Also, affidavit of T. C. Goff, to be filed with the Committee on War Claims in support of the bill just being introduced for the relief of the heirs of Lidda Goff, deceased; to the Committee on War Claims.

By Mr. PUJO: Papers to accompany bill (H. R. 28615) to establish a fish-cultural station in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAKER: Petition of the San Francisco Labor Council, favoring the recognition of China as a Republic; to the Committee on Foreign Affairs.

Also, letter from the California Retail Grocers and Merchants' Association, of San Francisco, Cal., opposing the Oldfield bill; to the Committee on Patents.

Also, telegram from the California State Audubon Society, Los Angeles, Cal., favoring the Weeks-McLean bill, giving Federal protection to migratory birds; to the Committee on Agriculture.

Also, letter from L. M. Davenport & Co., Los Angeles, Cal., and letter from the Klauber-Wangenheim Co., of San Diego, Cal., favoring the Weeks 1-cent postage bill; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of the Page agricultural and industrial education bill (S. 3); to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Petition of citizens of Hall County, Tex., in behalf of legislation for eradication of the Russian thistle in Texas; to the Committee on Agriculture.

By Mr. TOWNSEND: Petition of the New Jersey Historical Society, to secure suitable housing for the national archives; to the Committee on the Library.

By Mr. WILDER: Petition of Eliot School, Natick, Mass., in favor of law for protection of migratory birds; to the Committee on Agriculture.

Also, petition of Massachusetts citizens, favoring bills for the protection of migratory birds; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *February 5, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CHILTON. Mr. President, I rise to a question of personal privilege.

Mr. LA FOLLETTE. If the Senator from West Virginia will yield, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	La Follette	Sheppard
Bacon	Cullom	Lodge	Smith, Ariz.
Bankhead	Cummins	McCumber	Smith, Mich.
Borah	Curtis	Martin, Va.	Smoot
Bourne	Dillingham	Martine, N. J.	Stephenson
Brandegee	Fletcher	Nelson	Swanson
Brown	Gallinger	O'Gorman	Thomas
Bryan	Gronna	Oliver	Thornton
Burnham	Guggenheim	Overman	Tillman
Burton	Hitchcock	Page	Townsend
Catron	Johnson, Me.	Paynter	Webb
Chilton	Johnston, Ala.	Perkins	Wetmore
Clapp	Jones	Perky	Works
Clarke, Ark.	Kavanaugh	Poindexter	
Crane	Kenyon	Pomerene	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 58 Senators have responded to their names. A quorum of the Senate is present. The Senator from West Virginia will proceed.

SENATORS FROM WEST VIRGINIA.

Mr. CHILTON. Mr. President, at the last session of Congress and on the last day of that session a certain memorial, signed by five citizens of West Virginia, one of whom is the governor of the State, was presented to the Senate. It had been understood that that session of Congress would adjourn on Saturday, the 24th of August, 1912. With that understanding, on account of illness, I obtained leave of the Senate for an absence for the rest of the session. For some reason the Senate did not adjourn on Saturday, but remained in session until Monday following, the 26th, and on that day of the session that memorial was filed. I deeply regret that two of the gentlemen who signed that memorial have since died.

Had I been present, Mr. President, or had my colleague [Mr. WATSON], who was away with a similar understanding as myself, been present, we would have asked then and there that the Senate take some kind of action which would do justice to that situation and relieve us of the suspicion which such a memorial brings upon any man against whom it may be lodged.

But we were not present, and I can never forget the kindly words then spoken and the dignified consideration with which the Senate received that paper. So far as we personally may be concerned, that sense of justice and propriety, always to be relied upon in the Senate, took care of the situation presented on August 26, 1912, probably much better than the Senators from West Virginia could have done if then present; and yet I shall always regret that we were not present and shall always feel that fate then tempted our enemies with a rare opportunity to strike under the belt. The men who signed it were all members of parties other than the one to which the two Senators from West Virginia belong. That fact may have influenced them or it may not; but it has little or no effect in this body, and I shall treat the subject as if their motives were lofty and as if the campaign then pressing did not guide the pen which wrote their names to the paper.

Afterwards, however, we went through a campaign in West Virginia in which those charges were more or less adverted to. While I do not want to go into the details, I wish to say to the Senate that it had no effect, so far as Senator WATSON was concerned, upon that result. His home county gave him a record-breaking majority, his congressional district gave his party a majority, and his senatorial district, for the first time in many years, went Democratic.

On account of illness in my family, and on account of the necessary and unavoidable absence of Senator WATSON during a great part of the present session, it has been impossible for me to give consideration to this matter, and indeed I supposed that the committee of the Senate having it in charge, which I believe to be fair, whose judgments I believe are never dictated from political considerations, would do whatever might be just and proper, and having had no opportunity to meet the thrust when it was delivered, I have allowed the days to pass in the knowledge that we were innocent and that no investigation could harm us. Having no fears, and the campaign being over, we felt no need of a grand-stand play and abided the result of the committee's work.

But recently I had information that the man who had made a statement against Senator WATSON and myself, or was said to have made a statement against us, had retracted that statement publicly, and privately as well. But I had no definite knowledge thereof, nor did Senator WATSON, till within the last few days.

I wish the Senate to know that not a human being who ever lived ever questioned upon his own responsibility my right or the right of my colleague to a seat in this body. No one ever did it in the Senate or in the House of West Virginia; no one has ever done it in the public press; no one has ever done it in any paper filed here; and no one has ever done it upon the floor of this Senate. Beyond what Shock may have said, this memorial is rumor and newspaper gossip, to which any public official may at any time become the victim.

This man Shock, about whose supposed statement all of this trouble has arisen, never voted for Senator WATSON and he never voted for me. He never made a statement to the West Virginia Legislature; he never signed a statement to the West Virginia Legislature. A statement alleged to have been written or rather to have been dictated by him was read, and, as is explained in a paper which I am going to ask to have read in a moment, all the circumstances surrounding that were known to the Legislature of West Virginia, which elected us to the Senate.

My colleague within the last four or five days received a letter from Mr. Shock, which I now present to the Senate, saying that the statement referred to in the memorial was based upon no fact that involved the Senators from West Virginia or their friends; that nobody ever tried to influence his vote for them; that he alone conceived the scheme in order to defeat us before the Democratic caucus. In other words, he has very recently confessed his error, and I am glad to say that he never either signed or swore to the statement in the memorial.

I wish to lay that statement before the Senate with a statement from Senator WATSON and myself. We have prepared it as an answer to the memorial. I ask that it be referred to the Committee on Privileges and Elections, and if that committee or any Senator here or the Senate wants an investigation it will meet with my unqualified approval, and with the approval of Senator WATSON. True his term will expire in a few days. It seems practically impossible to enter upon an investigation at this session or while he may be a Member of this body. At the next session the committees will be reorganized. But these considerations only make it the more important that the Senate and the country shall know that the whole foundation of the Shock incident has crumbled away; that we have never retarded the orderly investigation of this subject, and that the committee has reached the case in due course and is dealing with the matter justly and fairly. We think that our side should go to the committee through the Senate and in the same public way that the memorial went.

I wish to say to the Senate that my election is as clear, that there is as little blot upon it within my knowledge, as the election of any Senator now before me or who ever was elected to this body. My colleague makes the same claim, and I firmly believe that he was honestly nominated and elected. I do know that he is an honest man and a valued, respected citizen of West Virginia, without a blot upon his private or public life. If there is anything wrong connected with my nomination or that of Senator WATSON, or with our election, we know nothing about it. It is most gratifying to us that not a single human being who ever voted for us in the caucus of our party, now attacked, has ever had the integrity of that vote questioned in this or in any other presence.

Mr. President, whatever the Senate may do, it will meet with the approval of the Senators from West Virginia. They crave the fullest investigation. There is not one word of truth, to my knowledge, in any charge that has ever been made, or any alleged charge, or in any newspaper article that has ever attacked their election.

I now send to the desk and ask to have this statement of Senator WATSON and myself read and referred to the Committee of Privileges and Elections, and whatever that committee or the Senate may do to that I bow without question.

The PRESIDENT pro tempore. The paper will be read without objection.

The Secretary read as follows:

To the Senate of the United States:

For the information of your honorable body we desire to reply to a certain memorial now before your committee, signed by William E. Glasscock, William Seymour Edwards, H. C. Ogden, David B. Smith, and Frederick A. MacDonald, and in order to be as brief and as clear as possible we will answer according to the order in which the said memorial sets out the several matters.

The first allegation is the statement made by the Hon. Nelson C. Hubbard, a member of the West Virginia House of Delegates, to the joint session of the legislature before a ballot for United States Senator was taken, in which he gave his reason for refusing to vote for the nominees of the Democratic caucus.

An attentive reading of what Mr. Hubbard said, as stated in the memorial, will show that he does not predicate his charge of corruption upon any fact or upon the testimony of any witness, but made it purely upon his belief, for which he offers no sufficient reason. The memorial, however, deliberately suppresses that part of Mr. Hubbard's statement in which he admitted that he had no evidence of bribery, and for the information of your committee we call attention to that part of Mr. Hubbard's statement, the omission of which the memorial indicates by stars. The omitted part is as follows:

"I do not pretend to say that I have any more information which would justify anyone at the present time as a juror under the evidence to convict any man of bribery, and I do not say that I know any court that would.

When read in connection with what the memorial quotes from Mr. Hubbard's speech, it is thus made plain that he was simply willing to declare his belief in corrupt practices, though compelled in the same connection to admit that he had no evidence.

The second allegation of the memorial is the statement of Senator George W. Bland, which, outside of some vague and general insinuations that charges of bribery had been made throughout the State, was based upon a statement made by Mr. L. J. Shock, a member of the House of delegates. That statement was that one Hamrick had given Shock $1,000 and promised him an additional $1,500 to vote for Mr. WATSON and Mr. CHILTON, and two reputable citizens of West Virginia were called in to see Shock count down the $1,000. We do not question that Shock exhibited the $1,000 to Hon. John J. Davis and Hon. W. G. Bennett, but that he had been furnished with that money for the very purpose of exhibiting it to these honorable gentlemen we think the committee will not doubt when they have read this statement. It will be noted first that the so-called statement of Shock read by Senator Bland was not signed, and it is a further fact that though he was present at the joint session, as shown by its records, when Senator Bland read his statement he did not utter a word on that subject.

Subsequently and within a few days after Bland had read Shock's statement Shock was asked to produce the $1,000 which it was charged he had received, and he explained his inability to do so by saying that two men had taken the money away from him. He further stated that he had never seen either of these two men before they took the money from him and had never seen them since.

It is not pretended that Shock raised any outcry against the men who took the money from him or even related the circumstance to anyone until he was asked to produce the money.

Shock's explanation of why he was unable to produce the money which he was asked to do as a basis of an investigation which we had requested at the hands of the legislature was so ridiculously absurd that every sensible man in the legislature at once understood that Shock had been supplied with the $1,000 for the very purpose of creating a scandal, and that those who supplied him with it were not willing to trust him with the custody of it long enough to carry out the scheme.

It is not necessary for us, however, to argue that question or to ask the committee to accept our view of the episode, because Shock himself has admitted that his story of the attempt to bribe him was a pure invention in the following letter which he voluntarily sent to Senator WATSON, the original of which we file herewith.

BURNSVILLE, W. VA., *January 8, 1913.*

Hon. C. W. WATSON, *Washington, D. C.*

DEAR SIR: The time has come when you should know the truth about the so-called Shock statement. I never have signed any statement that was read before the legislature, and I never have been under oath. I have let the talking go on because I hated to be put in a wrong light. The truth is that I set up the whole business; nobody tried to buy my vote and would not swear that they did. I wanted to nominate McGraw and I thought if I got this thousand dollars and made this play it would hurt you and CHILTON. The trick failed to work and now you have the truth. I do not know you and am sending this to you because I want justice to be done. So far as I know your election and CHILTON'S was honest and fair, and it is wrong to have this report going around.

Very truly, yours, L. J. SHOCK.

The third allegation is that a resolution to investigate the vague and indefinite charges of bribery was proposed in the Legislature of West Virginia and defeated.

While it is true that the joint session of the West Virginia Legislature refused, on a point of order, as under the Federal Statutes it was compelled to do, to postpone the election of a Senator, it is further true that the house of delegates, which was controlled by a Democratic majority of exactly 40, promptly and by a unanimous vote passed a resolution, offered by Hon. C. M. Seibert, who supported both of us in the Democratic caucus, ordering an investigation and sent it to the senate, which finally disposed of that resolution by tabling it, because in the meantime the absurd story of Mr. Shock about the money having been taken away from him by two unknown men had been made so public that it was known to all senators and representatives, and the charges of corruption which had been mainly based on it were then treated as an absurdity. This explanation which we make to the Senate is the same as was made to Seator CHILTON by Hon. D. E. French, a copy of which is attached and original of which we file. Mr. French was then a leading member of the State senate, and was unanimously nominated by the Democrats at the present session of the senate as their candidate for president of the senate. The allegation that we prevented the adoption of that resolution by the senate will be completely negatived when your committee reflects that the State senate was composed of 15 Democrats and 15 Republicans, which made it an easy matter for the investigation to have been ordered by a vote of the Republican senators, with the vote of even Senator Bland, and as there were several other Democratic senators active, aggressive, and even bitter opponents of the two nominees the investigation would have been ordered, except that every reasonable man in the senate was then thoroughly convinced that the charges were unfounded.

The committee will, of course, remember that the Legislature of West Virginia not only completed the regular session at which we were elected, but that it was subsequently convened in extraordinary session, which lasted 45 days; and during all that time, though we were in our seats at Washington, not even a suggestion that we were not entitled to our seats was made.

The fourth and last allegation in the memorial is that our election was brought about by a combination of the railroads and the Standard Oil Co. The committee will, of course, perceive by glancing at the memorial that this charge has no other or better foundation than the irresponsible comments of some newspapers, and we could well dismiss them as entitled only to the consideration which every Senator's experience warrants him in giving to them. The charge, however, is so contrary to the facts that we crave the indulgence of the committee while we show how thoroughly it is the reverse of true. In the first place the opponent of Senator WATSON was then and is now the general counsel in West Virginia of the Norfolk & Western Railroad, which was then and is now owned and controlled by the Pennsylvania Railroad, while Mr. McGraw, the opponent of Senator CHILTON, is the owner of the West Virginia Midland Railroad, which connects with the Baltimore & Ohio Railroad, and the attorney of Mr. McGraw's railroad, a member of the State senate at that time, is the same gentleman who prepared the statement of one L. J. Shock.

More than this, Mr. Hubbard, from whose speech the memorial makes a garbled quotation, was then and is now an attorney for one of the Pennsylvania Railroad lines in West Virginia.

The falsity of the charge that we were supported and elected by the Standard Oil Co. will appear to the Senate when they are told that this same Senator Bland, from whose statement at the joint session the memorial quotes so elaborately, was then and is now the attorney of the Hope Natural Gas Co., a subsidiary of the Standard Oil Co.

This statement makes it plain that we were opposed rather than supported by those special interests.

There is one statement made in these newspaper clippings to which we feel called upon to reply particularly. The memorial recites an editorial from the Monroe County Watchman, in which the editor of that paper quotes a letter from one of his correspondents, who is represented as saying, "We have positive information that $150,000 was expressed here last week for the purpose of corrupting the delegates. This information comes from such sources as render it absolutely reliable and proof is obtainable to a moral and legal certainty."

In reply to this assertion we state upon our honor as men and as Senators that neither $150,000 nor any other sum was expressed to us or to any of our friends for the purpose of corrupting the delegates or for any other purpose.

It can not be deemed inappropriate for us to say that the sinister purpose of this memorial is apparent from the fact that it was presented to the Senate on the last day of its last session when there could be no possible expectation of any action on it before the general election in November. Neither will it be out of place for us to say that after these charges, vague and indefinite as they are, have been circulated industriously throughout West Virginia for two years, Senator WATSON has been renominated by the unanimous vote of the Democratic caucus to succeed himself, thus expressing to the Senate and to

the world the judgment of the people who have the best opportunity and are in the best position to know the truth or falsity of them.

Reading this memorial in connection with our answer, we feel confident that your committee will promptly report to the Senate that no ground for an investigation has been shown. If any reasonable cause to challenge our election were before you, we would immediately demand an investigation as a matter of justice to the Senate, to the State of West Virginia, and to ourselves, but we do not believe that the time of the Senate ought to be wasted, the name of our State brought into question, and our attention diverted from our duties by a proceeding instigated by political revenge and supported by accusations which we have shown to be utterly unfounded.

C. W. WATSON.
W. E. CHILTON.

BLUEFIELD, W. VA., *June 17, 1911.*

Hon. WM. E. CHILTON,
Washington, D. C.

MY DEAR SENATOR: Yours of the 15th instant in regard to the statements made by Delegate Shock, of Braxton County, last winter, at Charleston, in regard to the election of United States Senators, received.

The facts in regard to this matter, as I now recollect them, are as follows:

Shock in his statement which was read at the joint session of the legislature, in which yourself and Senator WATSON were elected, said that just prior to the Democratic caucus at which you and Senator WATSON were nominated as the Democratic candidates for United States Senators he had been paid $1,000 by a man—my recollection is Hambrick, from Clay—as a part consideration, that he, Shock, would vote in the Democratic caucus for yourself and WATSON, and that Shock took the money to Judge Bennett, who counted it. Afterwards Shock went into the said caucus, and without saying anything in the said caucus about the payment of the money to him, voted on every ballot against yourself and Senator WATSON, and did not make any public statement concerning said matter until the joint session of the legislature was held, at which United States Senators were elected, at which time the statement above referred to, which purported to have been made by Shock, was read. It was also publicly stated and generally discussed among the members of the legislature and others that after the said caucus Shock stated to various members of the legislature and other persons that two men whom he did not know, neither of them being the man who gave him the money, came to him and demanded the said $1,000, and that thereupon he, Shock, delivered the money to the said strangers, neither of whom he has ever seen since; that he did not know either of the said men and that he did not take their names. That Mr. Hambrick, the person whom Shock claims gave him the money, upon hearing of Shock's statement, came to Charleston and confronted Shock, and that Shock then stated that Hambrick was not the man who gave him the money and that he did not know who the man was. That he had understood that it was Hambrick, and for that reason had named him as the man who had given him the money. It was also commonly reported that Shock had stated that he proposed to trap and expose any efforts at corruption in the selection of United States Senators.

In view of this state of affairs, I felt at the time, and still feel, and think most of the other senators thought likewise, that an investigation was unnecessary and uncalled for, and that for the senate to undertake to investigate such flimsy charges would not have reflected credit upon the senate and would only have lent color to charges which in themselves contained nothing substantial or tangible upon which an investigation could properly be based. In fact, this entire matter, to my mind, bore the earmarks of a fabricated scheme in which Shock was simply made a tool of, perhaps innocently, by others, who in this way sought to raise a cry of corruption in the Democratic Party and thus to reflect discredit upon the party and the United States Senators which it elected.

I recollect distinctly the statement made by Senator WATSON before the joint session of the legislature which elected him to the United States Senate, that if anyone could produce reasonable proof of corruption on his part in connection with his election to the United States Senate he would resign the office, and that you on the same occasion publicly stated that you courted the fullest investigation that any person or body of men could make of these charges. So far as I know, neither yourself nor Senator WATSON ever expressed a wish or said anything to prevent or hinder an investigation of these matters.

It is my recollection that you went into the Democratic caucus with some thirty-odd votes affirmatively for you, and I know there were others who held you as their second choice. The fact that Col. McGraw, who was your opponent in the Democratic caucus, came from an adjoining county to Senator WATSON, and that he was not a candidate against WATSON for the short term, and the further fact that it was not probable that both United States Senators would be selected from the same section of the State is certainly a sufficient explanation of the fact that many of your friends voted for WATSON and his friends voted for you.

With best wishes, I beg to remain,
Yours, very sincerely,
D. E. FRENCH.

The PRESIDENT pro tempore. The statement will be referred to the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 3225. An act providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon; and

S. J. Res. 156. Joint resolution to appoint George Gray a member of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3843. An act granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes; and

S. 3952. An act for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1885, said section of said act relating to the sale of said land be, and the same is hereby, repealed.

The message further announced that the House has passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict;

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law;

H. R. 27875. An act authorizing the President to convey certain land to the State of Texas;

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota;

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 28093. An act to amend the general pension act of May 11, 1912; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

The message also returned to the Senate, in compliance with its request, the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service.

The message further announced that the House had passed resolutions commemorative of the life and public services of Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 2359. An act to refund certain tonnage and light dues;

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to land within the limit of said grant;

H. R. 12813. An act to refund duties collected on lace-making and other machinery and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911;

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 20385. An act to reimburse Charles S. Jackson;

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead";

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States as amended by section 32 of the act of August 5, 1909;

H. R. 26549. An act to provide for the purchase or construction of a motor boat for customs service; and

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois.

CREDENTIALS.

Mr. NEWLANDS presented the credentials of KEY PITTMAN, chosen by the Legislature of Nevada a Senator from that State to fill the vacancy in the term ending March 4, 1917, occasioned by the death of George S. Nixon, which were read and ordered to be filed.

Mr. CLAPP presented the credentials of KNUTE NELSON, chosen by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the Board of Trade of North Attleboro, Mass., expressing their belief that

many improper classifications under the present tariff act, to the serious disadvantage of the jewelry and silverware industries, are due to the inclusion of the words "gold," "silver," and "platinum" in the final paragraph of the so-called metal schedule; and also expressing its disapproval of the inclusion of the words "gold," "silver," and "platinum" in the same paragraph with iron, steel, tin, lead, and so forth; and favoring a special paragraph either to precede or follow the paragraph referring to the cheaper metals, and in this new paragraph that the same rates be approved as are approved for the so-called jewelry paragraph. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. LODGE. I have a copy of resolutions adopted at a meeting of the Democratic town committee of Norton, Mass., a committee elected by the Democratic voters of that town to promote the best interests of the Democratic Party, expressing their disapproval of any reduction of the duty on jewelry, silverware, and kindred articles and urging upon Congress the necessity of maintaining the present rates of duty. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. LODGE. I present resolutions adopted by the Board of Selectmen of North Attleboro, Mass., favoring the present percentage of protective tariff on jewelry and silverware. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. POINDEXTER presented memorials of the congregations of the Seventh-day Adventist Churches of Fruitland, Friday Harbor, Elma, Tacoma, Walnut Grove, Centralia, Battleground, Hillyard, Carrollton, Aberdeen, Montesano, Puyallup, Walla Walla, Sara, and College Place, all in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Island Grange, No. 290, Patrons of Husbandry, of Arlington, Wash., praying that an investigation be made into the prosecution of the editors of the Appeal to Reason, published at Girard, Kans., which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of the congregation of the West Market Street Methodist Episcopal Church, of Greensboro, N. C., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Albemarle, N. C., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CULLOM. I present a large number of memorials, signed by four or five thousand citizens of my State, remonstrating against the passage of the so-called Owen health bill. I move that the memorials be received and lie on the table.

The motion was agreed to.

Mr. FLETCHER presented memorials of sundry citizens of St. Andrews and Pensacola, in the State of Florida, remonstrating against the enactment of legislation providing for the Federal regulation of pilotage and pilots, which were referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of the congregation of the Methodist Episcopal Church of Keene, N. H., and a petition of the congregation of the Federated Church, of New Market, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Cleveland Park, D. C., praying that an appropriation be made for the paving of a portion of Macomb Street in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented the memorial of Philip T. Hall, of Washington, D. C., remonstrating against the enactment of legislation regulating the hours of employment for women in the District, which was referred to the Committee on the District of Columbia.

Mr. SHIVELY. I have here brief resolutions in the nature of a petition adopted by the Supreme Temple of the Order of Larks, of Portland, Ind., favoring the calling of an international congress for bird protection. I ask that the resolutions lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions of the Supreme Temple of the Order of Larks, supreme offices, Portland, Ind.

Whereas one of the corporate objects of this order is the discouragement of the killing of harmless birds and the use of their plumage for commercial purposes and the advancement of legislation to carry out said object; and

Whereas efforts are now being made by the National Association of Audubon Societies to secure the passage of tariff legislation which will practically bar the importation of plumage of rare birds; and

Whereas a resolution has recently been introduced in the Senate of the United States by Senator ROOT which authorizes the calling of an international congress for bird protection: Now therefore be it

Resolved by the Supreme Temple of the Order of Larks (comprising all of the subordinate temples of the order in the United States), That the said tariff legislation so proposed by the National Association of Audubon Societies be, and the same is hereby, indorsed and recommended to the Congress as to be in the interests of bird conservation and protection; and be it further

Resolved, That the resolution of Senator ROOT calling for an international congress for bird protection be, and the same is hereby, indorsed and recommended to the Congress for the same reasons; be it further

Resolved, That a copy of these resolutions be forwarded to one of the Senators from Indiana, with the request that the same be presented to the Congress as a petition asking for such legislation.

THE SUPREME TEMPLE OF THE ORDER OF LARKS,
By S. A. D. WHIPPLE, *Supreme Majesty.*

Attest:

MORTON N. HAWKINS,
Supreme Commissioner.

JANUARY 28, 1913.

Mr. SHIVELY presented the petition of John W. Sidener and 25 other members of the Young Men's Bible Class of the First Baptist Church of Crawfordsville, Ind., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. SUTHERLAND presented a petition of the congregation of the Seventh-day Adventist Church of Salt Lake City, Utah, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. NELSON presented a memorial of the congregations of the Seventh-day Adventist Churches of Baker, St. Cloud, and Sauk Center, all in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GRONNA. I present a telegram from the president of the Grand Forks District Medical Society, in my State, favoring the passage of the so-called Owen health bill. The telegram is very brief, and I ask that it lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

GRAND FORKS, N. DAK., *February 4, 1913.*

Senator GRONNA, *Washington, D. C.:*

The Grand Forks District Medical Society, composed of the physicians practicing in Grand Forks, Walsh, Pembina, Cavalier, and Nelson Counties, favor the passage of the Owen bill. They hope you will give it your hearty support.

H. M. WHEELER, *President.*

Mr. GRONNA presented a petition of the congregation of the Rock Lake Church of North Dakota, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BROWN presented telegrams in the nature of petitions from sundry members of the medical societies of North Platte, Broken Bow, Grand Island, Omaha, and Pawnee City, and of sundry physicians of Madison, Gothenburg, Alliance, Falls City, and David City, all in the State of Nebraska, praying for the establishment of a national department of public health, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Mansfield, Wooster, Nova, Burgoon, Crawford County, Hillsboro, Newark, Lancaster, and Dayton, all in the State of Ohio, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of sundry citizens of Grand Rapids, Waupaca, Milwaukee, Delavan, and Green Bay, all in the State of Wisconsin, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. HITCHCOCK presented memorials of the Farmers' Educational and Cooperative Unions of Scribner, Logan, Nickerson, and Hooper, in the State of Nebraska, remonstrating against the adoption of the so-called Aldrich currency system, which were referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Labor Council of San Francisco, Cal., praying for the recognition of the Republic of China by the United States Government, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Federated Trades Council of Sacramento, Cal., and a petition of the Trades and Labor Council of Vallejo, Cal., praying for the enactment of legislation providing for the inspection of locomotive boilers and safety appliances for railway equipment, which were referred to the Committee on Interstate Commerce.

Mr. ROOT presented petitions of sundry citizens of Albany and Cortland and of the congregation of the Olivet Presbyterian Church, all in the State of New York, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of Nelson Arbor, No. 165, Ancient Order of Gleaners, of Fremont, Mich., remonstrating against any reduction of the postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Seventh-day Adventist Church of Reese, Mich., and a petition of the congregation of the Seventh-day Adventist Church of Fremont, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES presented a telegram in the nature of a petition from Dr. S. T. Miller, of Wenatchee, Wash., and a telegram in the nature of a petition from Dr. J. H. Woodside, of Redmond, Wash., praying for the passage of the so-called Army veterinary bill, which were referred to the Committee on Military Affairs.

He also presented telegrams in the nature of petitions from the State commissioner of health, from E. L. Farnsworth, of Olympia, and from Dr. Henry D. Brown, secretary of the King County Medical Society, all in the State of Washington, praying for the passage of the so-called Owen health bill, which were ordered to lie on the table.

He also presented resolutions adopted by the Chamber of Commerce of Montesano, Wash., favoring the repeal of the parole law, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Montesano, Wash., favoring the repeal of the bankruptcy law, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the amendment submitted by Mr. BURTON on the 4th instant, proposing to appropriate $5,000 for the participation of the United States by official delegates at the international conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (S. 6691) to indemnify the State of Massachusetts for expenses incurred by it in defense of the United States, reported it with an amendment and submitted a report (No. 1188) thereon.

Mr. BROWN. From the Committee on Patents I report favorably, without amendment, the bill (H. R. 23568) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, and I submit a report (No. 1187) thereon. I ask that the report of the House be made a part of the Senate report and that it be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (S. 7619) for the relief of Laetitia M. Robbins, reported adversely thereon, and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 7845) relating to the adjudication of homestead entries in certain cases, reported it with an amendment and submitted a report (No. 1189) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 8204) to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia, reported it with an amendment and submitted a report (No. 1190) thereon.

Mr. POINDEXTER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5179) directing the Secretary of the Treasury to prepare designs and estimates for and report cost of a national archives building in the District of Columbia, reported it with amendments and submitted a report (No. 1191) thereon.

APPOINTMENTS IN THE DIPLOMATIC OR CONSULAR SERVICE.

Mr. BRYAN. From the Committee on Naval Affairs I report favorably the bill (S. 8082) to amend section 1440 of the Revised Statutes of the United States, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Florida asks for the present consideration of the bill just reported by him. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 1440 of the Revised Statutes of the United States so as to read:

SEC. 1440. If any officer of the Navy on the active list accepts or holds an appointment in the Diplomatic or Consular Service of the Government he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy.

Mr. ROOT. May I ask if unanimous consent has been given for the consideration of the bill?

The PRESIDENT pro tempore. The Chair did not put it in the form of a request for unanimous consent, but submitted it as a request, and announced that no objection had been heard.

Mr. ROOT. I do not wish to object, but I should like to know the reasons for further legislation at this time on this subject.

Mr. BRYAN. Section 1440 of the Revised Statutes, as it exists to-day, allows neither officers on the active list of the Navy nor officers on the retired list of the Navy to be appointed to positions in the Diplomatic or Consular Service. This bill is designed to allow officers on the retired list to be eligible for appointment in the Consular Service.

Mr. ROOT. I do not yet understand the object of the bill.

Mr. LODGE. If the Senator will allow me, the law that is sought to be amended is an old law that has been on the statute books since 1868, and it has led to a good deal of trouble, because the courts have construed it as covering both the active and the retired lists. This bill simply confines it to the active list.

Mr. ROOT. What does it confine to the active list?

Mr. LODGE. Appointments to the Consular or Diplomatic Service.

Mr. ROOT. May the bill be again read?

The Secretary again read the bill.

Mr. ROOT. Mr. President, as I understand, the bill allows officers of the Navy upon the retired list to be appointed to diplomatic positions.

Mr. BRANDEGEE. It cuts off those on the active list.

Mr. ROOT. Leaving the prohibition against those on the active list. I move to amend the bill by inserting, after the word "Navy," the words "or Army."

The PRESIDENT pro tempore. The Senator from New York proposes an amendment, which will be stated.

The SECRETARY. After the word "Navy," in line 6, it is proposed to insert the words "or Army."

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair would suggest to the Senator from New York that a further amendment would be needed in line 9 so as to include the Army. The words "or Army, as the case may be," should be inserted.

Mr. ROOT. I should be glad to have that done.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The SECRETARY. In line 9, after the word "Navy," it is proposed to insert "or Army, as the case may be."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF JOHN MARSHALL.

Mr. SWANSON. From the Committee on the Library I report back favorably without amendment the bill (S. 7657) for the erection of a statue to John Marshall, and I submit a report (No. 1186) thereon. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Let it be read.

Mr. SWANSON. Let the bill be read.

The PRESIDENT pro tempore. It will be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BRISTOW. Is this a proposition for the Federal Government to erect a statue in a State building somewhere?

Mr. SWANSON. It is proposed to erect it in the Federal building at Richmond.

Mr. MARTIN of Virginia. I will say to the Senator from Kansas that the National Government has about completed a new building costing about $1,000,000 in the city of Richmond——

The PRESIDENT pro tempore. The question now is upon the consideration of the bill.

Mr. MARTIN of Virginia. It is proposed to place the statue in that building.

Mr. BRISTOW. I may want to offer some amendments to it. There are some statues which I should like to have erected out in Kansas. I ask that the bill may go over.

The PRESIDENT pro tempore. Under objection the bill will go over. It will be placed on the calendar.

LOREN W. GREENO.

Mr. THORNTON. From the Committee on Naval Affairs I report favorably, without amendment, the bill (S. 8230) for the relief of Loren W. Greeno, and I call the attention of the Senator from Ohio [Mr. POMERENE] to the bill.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. GALLINGER. Let the bill be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to appoint Loren W. Greeno an ensign in the United States Navy on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST MEXICO.

Mr. ROOT. From the Committee on Foreign Relations I report a concurrent resolution (S. Con. Res. 40), for which I ask present consideration. I call the attention of the Senator from Arizona [Mr. SMITH] to the resolution.

The PRESIDENT pro tempore. The concurrent resolution will be reported.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of War, under the joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory growing out of the late insurrection in Mexico, approved August 9, 1912, be transmitted to the President, who is hereby respectfully requested to cause a claim for the amount of the damages reported therein as suffered by American citizens within American territory to be presented to the Government of Mexico as a claim in behalf of the Government of the United States.

The PRESIDENT pro tempore. The Senator from New York asks for the present consideration of the resolution. Is there objection?

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. The question is upon the request for present consideration. Is there objection?

Mr. SMITH of Arizona. Reserving simply the right to object, I wish to say——

The PRESIDENT pro tempore. The question first is on the present consideration of the concurrent resolution.

Mr. SMITH of Arizona. Have I the right to the floor, to say what I please?

The PRESIDENT pro tempore. By unanimous consent the Senator can proceed. No debate is in order, except by unanimous consent, until after the question of present consideration has been acted upon.

Mr. SMITH of Arizona. I do not want to object to the resolution. I want to understand it. Reserving the right to object, I thought I could then proceed, as was the custom in the other body where I have served.

Mr. GALLINGER. I ask unanimous consent, Mr. President.

The PRESIDENT pro tempore. The Senator is proceeding by unanimous consent.

Mr. SMITH of Arizona. Have I the floor by the unanimous consent of the Senate?

The PRESIDENT pro tempore. By unanimous consent, the Senator will proceed.

Mr. SMITH of Arizona. Mr. President, I thought I had it before proceeding to obtain the information I desire.

Being in order, then, at last, I wanted to say to the Senator from New York that I thought it had been understood that these claims for damages sustained by citizens of the United States on American soil occasioned by Mexican soldiery shooting across the international line were to be investigated by the commission under the resolution heretofore reported by the Senator from New York from the Committee on Foreign Relations; that those claims were to be presented to our own Congress for payment, and then that the United States would proceed in the order suggested in the resolution now before the Senate.

My interest in the whole matter is to make this claim first one against the Federal Government itself for damages to its own citizens, and then that the Government shall place before Mexico its claim for reimbursement for the money paid out in these cases.

The commission went to the city of El Paso, Tex., and to Douglas, Ariz. They made an investigation and a report fixing the amount that the commission thought should be paid to these people. I wish to suggest to the Senator from New York that if these people are to be relegated to trusting the department here to get that money from Mexico, they may as well quit right now. The conditions in Mexico are such that nobody can get payment of a claim from the Government of Mexico. Probably two billions of foreign capital are doing the business of Mexico. There is—from the best obtainable information—not less than $800,000,000 of American money invested there, and fully as much more by other nations. There is no earthly chance of these people getting their money during their lifetime if we are to proceed diplomatically with the collection of a claim against Mexico.

This has been such an outrage, such an insult to the Nation, that I never dreamed that any postponement would occur in the payment of these claims, further than that Congress would pass a law allowing these men the amounts found due in these cases and pay them out of our Treasury, and then that the United States Government would make its claim for reimbursement against the Republic of Mexico.

This reckless shooting of American citizens on our own soil by armed soldiers in Mexico was virtually an act of war on the part of Mexico, and our forbearance should have induced an immediate reparation by that Republic. Congress can do no less than pay the claims and look, as I have said, to Mexico for reimbursement.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. The Senator from New York will also proceed by unanimous consent.

Mr. ROOT. I will say to the Senator from Arizona, in the first place, that I am in favor of paying these claims. I think the Government of the United States should pay them. We are, however, approaching the close of the short session. The bill providing for payment has not yet been reported. Whether they are paid or not the theory of obligation upon which the bill rests will necessarily lead to the making of a claim against Mexico in behalf of the United States.

Mr. SMITH of Arizona. I understand.

Mr. ROOT. The view upon which the resolution directing the Secretary of War to make an investigation and report was drafted and passed was that these Americans, never having gone into the territory of Mexico, but remaining upon the soil of their own country, could not be relegated to a claim against Mexico for redress for the injury they had suffered, and that the Government of the United States should make it a national matter and should itself take the burden of prosecuting their claim.

This was an alternative to a resolution which was offered in the Senate and which was voted down, conferring authority upon the President to use the military forces of the United States to secure redress and prevent further injuries. There was substituted an assumption by the Government of the United States of its responsibility, to be borne by the peaceful processes of diplomacy, impressing a claim of the Government for the warlike proposals upon the one side and the relegation of these weak individual citizens to their claims against Mexico on the other side.

Now, whether the claims be paid by the United States, as I think they ought to be, or not, the resolutions some time or other should be adopted, and it seemed to the Committee on Foreign Relations that there should be no delay about it.

I will call the attention of the Senator from Arizona further to the fact that the adoption of this resolution is the adoption of the principle of governmental responsibility.

Mr. SMITH of Arizona. Mr. President, I now understand more clearly than I did from hearing the resolution read the course which will be pursued ultimately, whether Congress passes the bill for relief or not. Its passage in no way will affect our action hereafter on a bill for the payment of these claims or tend to retard action when it shall come before the Senate. In this view of the matter, of course no objection should be made. I hope the resolution will pass.

The concurrent resolution was considered by unanimous consent and agreed to.

THE SENATE MANUAL.

Mr. WARREN, from the Committee on Rules, reported the following resolution (S. Res. 447), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 4,500 copies of the same for the use of the committee, of which 250 copies shall be bound in full morocco and tagged as to contents.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PERKY:

A bill (S. 8376) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying papers); to the Committee on the Judiciary.

By Mr. NELSON:

A bill (S. 8377) to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn.; to the Committee on Commerce.

By Mr. GALLINGER:

A bill (S. 8378) relating to private education in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WORKS:

A bill (S. 8379) for the relief of Ellen B. Monahan; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8380) directing the issuance of patent to John Russell; to the Committee on Public Lands.

By Mr. MARTINE of New Jersey:

A bill (S. 8381) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code"; to the Committee on the Judiciary.

By Mr. GRONNA:

A bill (S. 8382) to prohibit the interstate shipment of impure seeds; to the Committee on Agriculture and Forestry.

By Mr. BROWN (by request):

A bill (S. 8383) to authorize the Secretary of the Interior to cancel and set aside segregations of public lands under the Carey Act; to the Committee on Public Lands.

By Mr. OVERMAN:

A bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. DILLINGHAM:

A bill (S. 8385) granting an increase of pension to Asil N. Blanchard (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 8386) for the relief of Nelson D. Dillon (with accompanying paper); to the Committee on Claims.

By Mr. BACON:

A bill (S. 8387) granting a pension to Mary E. Spraberry; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 8388) granting an increase of pension to Thomas L. Collins (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 8389) to provide for an enlarged homestead; to the Committee on Public Lands.

REMOVAL OF CAUSES FROM FEDERAL TO STATE COURTS.

Mr. PERKY. I introduce a bill and I ask that it be read at length.

The bill (S. 8376) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 28 of an act approved March 3, 1911, and entitled "An act to codify, revise, and amend the laws relating to the judiciary," be, and the same is hereby, amended by adding thereto the following: *"And provided further*, That no suit shall be removable solely upon the ground of diversity of citizenship by any party thereto who shall at the time of the institution of said suit have an established place of business within the State where said suit was originally instituted," so that said section shall read, when so amended, as follows:

"SEC. 28. Any suit of a civil nature at law or in equity arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature at law or in equity of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending or may hereafter be brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State any defendant, being such citizen of another State, may remove such suit into the district court of the United States for the proper district at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may under the laws of the State have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as it relates to such other defendants, to the State court to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States and the district court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed: *Provided*, That no cause arising under an act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908, or any amendment thereto and brought in any State court of competent jurisdiction shall be removed to any court of the United States: *And provided further*, That no suit shall be removable solely upon the ground of diversity of citizenship by any party thereto who shall at the time of the institution of said suit have an established place of business within the State where said suit was originally instituted."

SEC. 2. All acts or parts of acts in conflict herewith are, in so far as they are in conflict, hereby repealed.

Mr. PERKY. Before the bill is referred I should like to make a brief statement as to the purpose of the bill.

The bill just introduced is designed to correct the practice of removing causes from State to Federal courts where the application to remove is based solely upon the ground of diversity of citizenship between the parties to the suit or action.

The reasoning which sustains this measure is that a person or corporation which voluntarily comes into a State and deliberately establishes a place of business therein should be required to submit his or its controversies with citizens of such State to the determination of its courts where there is no showing of local prejudice against the applicant for removal or hostile local influence working against him of such a nature as to prevent such applicant from securing justice.

The abuses against which this bill is directed were ably presented in a communication appearing in the seventy-second Central Law Journal, page 218, written by Henry S. Johnston, of Perry, Okla., which I will not take the time to read, but which I desire to adopt as a portion of my remarks, and I ask leave that it be so printed and inserted at this portion of my remarks.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The matter referred to is as follows:

PERRY, OKLA.

EDITOR CENTRAL LAW JOURNAL: I opened your publication of the 17th of February and read the article appearing on page 113 entitled "Disbarment—Using a sham corporation to create diversity of citizenship."

I want to commend you for this article. One of the crying outrages perpetrated by Congress upon a long-suffering people has been the vesting of corporations with the power to remove their causes to the Federal courts, irrespective of the nature of the cause of action.

An examination of the trial calendar of any of the circuit courts will disclose that the bulk of business there transacted is the result of foreign corporations securing removal of causes commenced in the State courts.

Not long ago I examined a court calendar containing three pages about the size of your law journal and on which appeared something like 100 cases set for trial; about 85 of them were suits commenced by private citizens in State courts to recover damages from foreign corporations.

Any domestic corporation must answer for its torts, breaches of contracts, bad faith, infractions of law, and any derelictions to the courts of the State. Every natural person must do the same thing, but the legislation authorizing removal of causes on account of diversity of citizenship is a very highly esteemed special privilege acquired and enjoyed by corporations, and the great carrier corporations of the country use this Federal statute as an open doorway from which to escape responsibility for their acts.

To fairly illustrate the effect of the present system: Let us suppose that a farmer is authorized to take up trespassing animals found upon his land at the place and time of the trespass. Next, let us suppose that the law made a provision that if the trespassing animal was owned by an individual not living in his school district, that in such case he must first turn the animal loose in an uninclosed wilderness, permit it to roam 20 miles from home, and then the law would give him permission to catch it if he could. The world would immediately point to the folly of such a statute as being ridiculous, dishonest, and unfair, and a discrimination in favor of the nonresident of his school district.

In the case of a domestic corporation or a private citizen relief is afforded where the party can be found and service obtained upon him or where the accident or injury occurs, and right there they sit down together and arbitrate or lock horns and go to battle with the home

court as their referee and the confines of their territory limited to the scope of a county with the right to take depositions and bring witnesses from all parts of the globe. But forsooth, it chances to be a foreign corporation, no longer is the right to apprehend the trespasser within the confines of this corral of the farmer's own community or bailiwick, but the corporation can jump the bounds of the county fences and go to a court with State wide or district wide meanderings and attend court 60 miles from home at the capital. Then he can attend the next session of court at some other court town 150 miles from home and the next time at 200 miles from home at another court town, and follow the judge around the circuit of his district. Leg weary, tired, worn, sleepless, and purse lean at last he gets trial to find the marginal boundaries of the State do not limit the resources of this foreign corporation, but he must follow his appeal to St. Louis, St. Paul, Washington, D. C., New York, or what not, and that his representatives in the personality of cowboys, lawyers, or whatsoever they may be, must ride to unfamiliar fields and strange roads where they so seldom practice and with which they are so little familiar, known as Federal practice, procedure, legal equitable, civil, special and peculiar, blended in part with the recognition of State law and the capacity to ignore and set the same aside at will, without responsibility to the very authority which it pretends and purports to recognize. As a matter of quasi comity, there is a pretense at enforcing and recognizing State laws, but Federal judges are not responsible to the State or to the powers of the State, to the people of the State or to State institutions for their authority, and when therefore they see fit to ignore State laws there is no responsibility attached thereto, and the world simply smiles and attributes the act to the general superiority of the Federal Government over the State; the right of powers that be to recognize or ignore the inferior branches of our sovereignty at the sweet will and pleasure of the particular judge who is trying the cause.

To illustrate: Not long ago a United States judge tried a case where two workmen on a hand car going along a high trestle about 200 yards long, adjoining a bridge of somewhat greater length, were run down by a fast-running engine and tender. Proof was available that the brake on the engine was out or order and the engine should have been in the repair shop; that the same could not possibly be controlled by the engineer in charge thereof. The accident had so sickened the engineer with the conduct of corporations generally and the cold-blooded manner in which they put their men to work with defective devices and let them take their chances that he quit the road entirely.

The Oklahoma constitution provides: "The defenses of contributory negligence or of assumption of risks shall in all cases whatsoever be a question of fact, and shall at all times be left to the jury."

The Federal judge who tried this case snapped his finger at our constitution and promptly proceeded to say that "the two employees on the hand car assumed the risk of being upon the track on a hand car, and that their death resulted from a risk which they had assumed."

It is true, the engineer did all he could to stop the engine. Had he not done so or had he not been watching, the courts must have said that the last clear chance to avert the injury lay in the hands of the engineer, and it was his duty to act, and so have let the case go to the jury, had the constitution of Oklahoma never been written; but the engineer must grimly grit his teeth and ride on to certain destruction, conscious of the grinding, grasping indifference of his corporation to the defective appliances and devices in use. But the corporation was right; it had but little to fear. The widows of the two deceased men must bring their action for $2,000 or less or run the additional hazard of being removed to the United States court. They brought their suits for a large amount. The cases were removed and the judge who tried it, after listening to the evidence, took the case from the jury, with the announcement that the parties upon the track took the chances, assumed the risks, and that no recovery could be had in the case, and it would be useless to permit it to go to a jury.

The books abound with decisions of the State courts one way and with Federal decisions stating that the same identical elements of the State law enforced in that State by public policy of the State, by the legislation of the State, by the constitutional provisions of the State will be enforced by the courts of the United States, yet, upon the other hand, when it comes to practical recognition through the working out of those principles the book equally abounds with decisions where the Federal judiciary perpetually and forever ignores the very laws it purports in another breath to honor and respect.

One more suggestion and then I wish to propose a remedy. The suggestion is that it is infinitely better that within the limits of a State the law be uniform in its application; that no matter in what forum the law is applied or where people go for their remedies the law should be the same, and that it shall be plain, speedy, prompt, and adequate, and meted out as nearly as practicable at the doorway of the party invoking its sanctions. It is of no consequence or very little consequence that the Federal decisions of New York are harmonious with those of Oklahoma upon questions of local application, but it is infinitely important that the Federal decisions upon question of local application should coincide with those of our own State courts.

And now for the remedy. The remedy lies in placing the differences and controversies between litigants back within the jurisdiction of the State courts; lay the ax in the root of the tree; let Congress repeal or at least modify this Federal policy. Some provision similar to the following would do the work:

"Provided, however, That the right of removal on account of diversity of citizenship shall not apply to corporations domiciled within a foreign State or which transacts business within such foreign State or for the commission of any tort within the jurisdiction of such foreign State or for the breach of any contract made or to be carried out in whole or in part within such foreign State."

My suggestion now to you is that since your paper has perceived the wrong and given it publicity as you have the awakening of conscience and the conviction of judgment which you have experienced imposes upon you a duty, to wit, that of educating the bar and the judiciary, and thereby effectively reaching Congress with a universal, concentrated demand for remedial legislation touching this evil.

I regret to have taken so much of your time, as I necessarily do in writing this long letter, and yet I felt I could not escape the sense of duty my own knowledge carries with it.

Truly, yours, HENRY S. JOHNSTON.

NOTE.—The letter of our correspondent is much appreciated. Congress, we believe, intended by the conformity act to indicate that nothing should interfere with the constitutional purpose merely to furnish a court free from local prejudice. Ever since Judge Story started the "general-law" heresy Federal courts have been assuming more and more to be independent of State interpretation. What ought to be done is for Congress to declare they have no jurisdiction but to enforce as State law what the State declares such to be and to enforce it as State courts enforce it. It is strange that Congressmen elected only by citizens of States should permit anything else. (Editor.)

Mr. PERKY. I have also prepared a brief dealing with the historical facts and the law relating to the subject covered by this bill, which I should like to have appear as part of my presentation of the merits of this measure, and I ask leave to have it printed at this stage of my remarks.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The matter referred to is as follows:

[Memorandum of law in re removal of causes upon the ground of diverse citizenship.]

CONTENTS.

The intent of the proposed law as embodied in this bill is to amend section 28 of the Judicial Code so as to limit the right of removal of causes from State to Federal courts only in causes where it is claimed solely on the ground of diverse citzenship. To accomplish this purpose it is proposed by the terms of this bill to add to section 28 of the existing Judicial Code this language:

"And provided further, That no suit shall be removable solely upon the ground of diversity of citizenship by any party thereto who shall at the time of the institution of said suit have an established place of business within the State where said suit was originally instituted."

The proposed amendment makes no change in the law as it now stands in regard to removal upon the ground of a Federal question or upon the ground of prejudice or local influence.

In the amendment proposed the phrase "an established place of business within the State" is employed. This is the language used by the act of March 3, 1897, in providing where suits for infringement of patent may be brought, in which connection it has been construed by the courts. Having an established place of business in a particular district is thus recognized as justifying departure from the usual rule that a defendant shall be sued only in the district of which he is an inhabitant. By analogy it justifies the principle of the amendment, which is that a person or corporation having an established place of business within a State should submit to suit in the courts of that State.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS.

The jurisdiction of the Federal courts in cases between citizens of different States, whether original or by removal, has its origin in the Constitution itself.

Article III, section 2, of the Constitution provides as follows:

"The judicial power shall extend * * * to controversies * * * between citizens of different States."

Article III, section 1, of the Constitution provides:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

Article I, section 8, clause 9, of the Constitution provides:

"The Congress shall have power * * * to constitute tribunals inferior to the Supreme Court."

Under these constitutional provisions Congress may limit the jurisdiction of the inferior Federal courts which it may establish to any extent it deems proper. While it has power to confer jurisdiction upon the Federal courts, by removal or otherwise, over controversies between citizens of different States, it is not compelled to do so. In the absence of any sufficient reason or valuable purpose to be subserved, Congress is under no obligation to deprive the State courts of jurisdiction of controversies between citizens of different States, or if there is a reason why some of such controversies should be taken into the Federal courts, which reason does not apply to all such controversies, then Congress may properly limit the jurisdiction of the Federal courts in this class of cases to those controversies in which there is some reason why they should be tried in the Federal courts rather than in the State courts.

In Gaines *v.* Fuentes (92 U. S., 18) the Supreme Court said:

"The Constitution declares that the judicial power of the United States shall extend 'to controversies between citizens of different States' as well as to cases arising under the Constitution, treaties, and laws of the United States; but the conditions upon which the power shall be exercised, except so far as the original or appellate character of the jurisdiction is designated in the Constitution, are matters of legislative direction. * * * In cases where the judicial power of the United States can be applied only because they involve controversies between citizens of different States, it rests entirely with Congress to determine at what time the power may be invoked and upon what conditions—whether originally in the Federal court or after suit brought in the State court; and, in the latter case, at what stage of the proceedings—whether before issue or trial by removal to a Federal court or after judgment upon appeal or writ of error."

It is, of course, perfectly well settled that no State can in any way abridge or impair the jurisdiction of the Federal courts or in any way limit the right of removal of causes into the Federal courts. Any such limitation must be made, if at all, by Congress. (Barrow Steamship Co. *v.* Kane, 170 U. S., 111; Barron *v.* Burnside, 121 U. S., 197.)

From the very beginning, however, Congress has vested the Federal courts with jurisdiction of causes between citizens of different States and authorized the removal into the Federal court of such controversies if originally begun in a State court.

The original judiciary act of 1789 (1 Stat. L., 73) provides that a suit brought in a State court between citizens of different States may be removed into the Federal court. This provision, substantially unchanged, was carried forward into the Revised Statutes and appeared in section 639. It also appears in the judiciary act of 1875, section 2, as amended by the act of 1887–88 (25 Stat. L., 433, in Supp. Rev. Stat., 611). The present Judicial Code, act March 3, 1911, section 24, gives the Federal district court original jurisdiction "where the matter in controversy exceeds, exclusive of interests and costs, the sum or value of $3,000, and * * * is between citizens of different States." Section 28, which is the subject of the proposed amendment, confers the right of removal in such cases.

It is thus seen that the proposed amendment imposes a limitation upon the removal of causes, which is wholly new in Federal legislation.

CONSTITUTIONAL PURPOSE PRESERVED BY PROPOSED AMENDMENT.

In Whelan *v.* N. Y., etc., R. Co. (35 Fed., 858) the court said:

"The clause in the Constitution extending the judicial power of controversies 'between citizens of different States' was intended to secure the citizen against local prejudice, which might injure him if compelled to litigate his controversy with another in the tribunals of a State not his own. This object was the avowed purpose of the constitutional provision at the time of its adoption; and the Supreme Court so declared in Gordon *v.* Longest (16 Pet., 104), where it is said that 'one great object in the establishment of the courts of the United States and regulating their jurisdiction was to have a tribunal in each State presumed to be free from local influence, and to which all who were nonresidents or aliens might resort for legal redress.'"

It will be noted that the present removal act (Judicial Code, sec. 28) expressly provides that a suit involving a controversy between citizens of different States may be removed into the Federal district court "when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court," etc.

The original judiciary act of 1789 made no express reference to prejudice or local influence as a ground for removal. This was first brought into the law by the act of July 27, 1866, as amended by the act of March 2, 1867 (14 Stat. L., 306, 558), and was codified in the Revised Statutes in section 639. It was carried forward by the act of 1875 as amended by the act of 1887–88.

As the sole purpose of the Constitution in extending Federal jurisdiction to controversies between citizens of different States was to provide an impartial court, free from prejudice and local influence, and as that purpose is expressly provided for in the present law, and the proposed amendment does not in any way take away the right of removal in cases where such prejudice or local influence exists, there is no longer any reason why other causes should be withdrawn from the jurisdiction of the State courts and removed into the Federal court merely because the parties are citizens of different States. There is only the historical basis for such a provision. It was in the first judiciary act and is therefore in the last. It seems not to have been noted that the constitutional purpose was fully carried out when express provision was made for the removal of causes upon the ground of prejudice or local influence. There being no longer any reason for preserving this broad right of removal in all cases where diverse citizenship exists, every argument showing the abuse which has been made of the right and the hardships which are thus without reason inflicted upon litigants should be given full weight.

The Supreme Court has held that Congress intended by its recent legislation to limit and contract the jurisdiction of the Federal courts:

"The recent acts of Congress have tended more and more to contract the jurisdiction of the courts of the United States which had been enlarged by intermediate acts, and to restrict it more nearly within the limits of the earlier statutes." (Wabash Western Ry. *v.* Brow, 164 U. S., 127.)

"The act of March 3, 1887, chapter 373, corrected by the act of August 13, 1888, chapter 866, was intended, as this court has often recognized, to contract the jurisdiction of the circuit courts of the United States, whether original over suits brought therein or by removal from the State courts." (Hanrick *v.* Hanrick, 153 U. S., 192.)

The proposed amendment is therefore exactly in line with the present purpose of Congress. Certainly no interest can be harmed by taking away a jurisdiction for which no reason exists and which has been greatly abused in practice.

As a further illustration of the tendency and purpose of Congress to restrict the Federal jurisdiction, attention may be called to the fact of the increase in the amount in controversy required as a condition of Federal jurisdiction. Under the judiciary act of 1789 and also under the act of 1875 and down to the act of 1887–88, jurisdiction was conferred upon the Federal courts, either originally or by removal, only where the amount in controversy exceeded the sum or value of $500. By the act of 1887–88 the amount in controversy was required to be $2,000, exclusive of interests and costs, in order to confer jurisdiction on the Federal courts. Under the present judicial code (sec. 24) the amount in controversy was again raised and required to be the sum or value of $3,000 as a condition of Federal jurisdiction, even in cases presenting a Federal question as well as in cases dependent upon the citizenship of the parties.

CORPORATIONS AS CITIZENS FOR PURPOSES OF FEDERAL JURISDICTION.

The legal status of corporations as citizens for the purpose of Federal jurisdiction rests almost entirely upon judge-made law. It is, however, now perfectly well settled that corporations are citizens of the State under whose laws they are created. (Barrow Steamship Co. *v.* Kane, 170 U. S., 103.)

The Federal courts have jurisdiction, either originally or by removal, of suits between citizens of one State and a corporation created by the laws of another State. A foreign corporation sued by a citizen of a State in which it is doing business may, under the existing law and as a matter of right, remove the cause into a Federal court. The vast majority of removals in modern times are cases of this class.

The Federal jurisdiction over suits against a foreign corporation upon the ground of diverse citizenship rests entirely upon a legal fiction. It rests upon a conclusive presumption created by judicial decisions. Thus the Supreme Court said:

"The jurisdiction of the circuit courts over suits between a citizen of one State and a corporation of another State was at first maintained upon the theory that the persons composing the corporation were suing or being sued in its name, and upon the presumption of fact that all those persons were citizens of the State by which the corporation had been created, but that this presumption might be rebutted by plea and proof and the jurisdiction thereby defeated. (Bank *v.* Deveaux, 5 Cranch, 61, 87, 88; Insurance Co. *v.* Boardman, id., 57; Bank *v.* Slocomb, 14 Pet., 60.)

"But the earlier cases were afterwards overruled, and it has become the settled law of this court that, for the purposes of suing and being sued in the courts of the United States, a corporation created by and doing business in a State is, although an artificial person, to be considered as a citizen of the State as much as a natural person; and there is a conclusive presumption of law that the persons composing the corporation are citizens of same State with the corporation." (Barrow *v.* Kane, 170 U. S., 103.)

Thus it appears that a legal fiction and a judge-made conclusive presumption, which presumption in 9 cases out of 10 is not in accordance with the actual facts, is the sole basis upon which foreign corporations are permitted to remove their controversies with citizens of a State into which they have voluntarily come for the purpose of doing business from the courts of that State into a Federal court, with all the resulting expense, inconvenience, and hardship which frequently exists.

Further, as already shown under a previous head, this abuse is permitted without the excuse of any worthy purpose to be subserved. The purpose of the proposed amendment is to put an end to just this thing. It is open to very serious doubt whether the framers of the Constitution contemplated that corporations might sue and be sued in the Federal courts, or remove suits thereto from State courts merely by reason of the locality of their incorporations or the citizenship of their stockholders. In an early case this jurisdiction was expressly denied, the court saying:

"The Constitution takes no notice of corporate bodies in enumerating the cases in which this court shall exercise jurisdiction upon circumstances of the persons. A corporation can not with propriety be denominated a citizen of any State, so that the right to sue in this court, under the Constitution, can only be extended to corporate bodies by a liberality of construction which we do not feel ourselves at liberty to exercise. (Bank of United States *v.* Deveaux, 2 Fed. Cas., No. 916, p. 692.)

The foregoing decision was reversed by the Supreme Court in Fifth Cranch, page 61, and Chief Justice Marshall wrote the opinion. This reversal was upon the ground that the suit should be deemed the suit of the stockholders of the corporation litigating in the name of the corporation, and that there was a prima facie presumption that these stockholders were citizens of the State where the corporation was incorporated. This presumption could be overcome by proof that such was not the fact, thereby defeating the Federal jurisdiction. Chief Justice Marshall said:

"A corporation aggregate is certainly not a citizen, and consequently can not sue or be sued in the courts of the United States, unless the rights of the members in this respect can be exercised in their corporate name."

The doctrine sustained by Chief Justice Marshall was that Federal jurisdiction did not exist unless diversity of citizenship exists as between the defendant and all the members of the corporation, and in this sense it was for a time followed by the Federal courts. (Commercial Bank *v.* Slocomb, 14 Pet. (U. S.), 60.)

This doctrine was subsequently overruled, and the law now is that the members of a corporation suing in its corporate name are, for the purposes of jurisdiction, conclusively presumed to be citizens of the State which created it. (Louisville, etc., *v.* Letson, 2 How., 497; National Steamship Co. *v.* Tuckman, 106 U. S., 118; Barrow Steamship Co. *v.* Kano, 170 U. S., 100.)

There would seem to be no substantial ground for objection to the proposed amendment, which aims to put an end to a legal fiction which is seldom, if ever, in accord with the actual facts, and which has no vital, useful purpose, but, on the contrary, has been made the means of grave abuses, often amounting to a denial of justice.

It may be added that corporations are certainly not citizens within the meaning of the constitutional definition of citizens, which is as follows:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside."

FOURTEENTH AMENDMENT, SECTION 1.

As an illustration of the abuse of the privilege of removal accorded to foreign corporations, I call attention to the recent decision of the Supreme Court in the case of Southern Realty Investment Co. *v.* Walker (211 U. S., 603). In this case a foreign corporation was created for the very purpose of conferring jurisdiction upon the Federal court in controversies between citizens of the same State. The Supreme Court looked through the corporate organization, held it to be a sham, and remanded the case to the State courts, although all corporate formalities had been observed.

ABUSE OF PRESENT REMOVAL PRIVILEGE.

Every lawyer knows that the removal of a cause results in more or less expense, delay, and inconvenience to the complainant. Oftentimes where the districts are large and the distances great the expense and inconvenience is practically prohibitive, especially to poor litigants. The abuses along this line are graphically set forth in an article in the Central Law Journal for March 24, 1911. (72 Central Law Journal, p. 218.)

So long as mere diversity of citizenship is an independent ground for removal and may be availed of as a matter of right, defendants will avail themselves of it for the purpose of securing delay and imposing burdens upon the complainant, thus discouraging and often preventing the prosecution of meritorious suits. Where the price of justice is too high it may be foregone.

Another great abuse of the privilege of removal lies in the fact that the law administered in the Federal courts is often different to the law administered in the State courts as applicable to the same state of facts. When a person or a corporation voluntarily comes into a State to do business there with its citizens, it should be subject to the laws of the State as declared by the courts of that State and be subject to the same laws as are the citizens of that State. The nonresident should not have an option, as he now has in many cases, to abide by the State law and litigate in the State courts if it is to his advantage to do so, or to remove his case and have a different rule applied by the Federal courts if that course is most advantageous to his position.

Of course, under the United States Revised Statutes, section 721, it is provided that—

"The laws of the several States * * * shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply."

In theory this is quite satisfactory as far as it goes, but in practice it does not mean nearly what it says. In applying State statutes and constitutional provisions the Federal courts will follow the latest decision of the highest State court. The decisions of inferior State courts are not binding upon the Federal courts. Until a State statute has been authoritatively construed by the highest State court the Federal court will exercise its own independent judgment as to its construction and constitutionality. Moreover, in many cases where the Federal courts have adopted a construction of State laws they will cling to their own interpretation, notwithstanding that a different interpretation may thereafter be adopted by the State courts.

In equity cases the principles of equity jurisprudence are administered by the Federal courts uniformly throughout all the States, wholly unaffected by State laws and decisions, and this equity jurisdiction can not be impaired by the laws of any State. Most important of all on questions of general jurisprudence as distinguished from matters of

local law the Federal courts in the absence of express statutes exercise their own judgment, uncontrolled by the decisions of the State courts. The vast mass of litigated transactions falls under this head. (See article "United States courts," 22 Ency. of Pl. and Pr., pp. 324–336.)

The proposition that all persons doing business within a State should be subject to the laws of that State as enacted by the legislature of that State and construed by the courts of that State, except so far as such laws may deprive them of privileges secured to them by the Federal Constitution, does not seem open to doubt. That proposition, however, does not prevail to-day, and mainly because of the present removal privilege upon the ground of mere diversity of citizenship.

Mr. PERKY. As a practical illustration of the abuses at which this bill strikes, the United States court in Idaho holds its sessions at four points in the State—at Moscow and Coeur d'Alene, in northern Idaho; Boise, in southwestern Idaho; and Pocatello, in southeastern Idaho. A citizen of the State who thinks he has a meritorious cause of action seeks redress against some corporation organized under the laws of some sister State, which may have one or many places of business in the State, and practically all of whose stockholders may be residents of the State of Idaho. He files his suit in the ordinary way against his adversary, and if the amount in controversy is $3,000 or more, the corporation sued may remove the suit to the Federal court, which may sit 250 or more miles from the point where the plaintiff lives and where the controversy arose.

Under the practice and law of Idaho, as is the case in the majority of jurisdictions in the Union, the parties to the suit are obliged, when required by the witnesses, to advance fees and mileage. It often happens that litigants with cases entitling them to relief either advance these fees with great hardship or are in such circumstances as not to be able to do so at all. This often results in forced, unfair settlements, or the abandonment of suits, and often in the bringing of suits for amounts inadequate to compensate the plaintiff or redress his injuries, in order that the amount in controversy may be kept below the sum fixed by law permitting the removal of causes from State to Federal courts.

The law as it now stands fosters in many cases a partial or complete denial of justice, and thus tends to undermine society, to the extent that this practice of removal hampers our courts in the administration of their functions to redress wrongs.

The removal in most cases amounts to this, "that the nonresident gains not equality with but an advantage over his adversary."

Justice should be speedy. The method of securing redress should be as free and direct as orderly procedure will admit. The forum where it is administered should be convenient and easily accessible to litigants. This bill, I believe, is a long step in the right direction.

The PRESIDENT pro tempore. The bill and accompanying papers will be referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to such contributors as may file their claims the money raised to pay the ransom for the release of Mrs. Ellen M. Stone, an American missionary to Turkey, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to such contributors as may file their claims the money raised to pay the ransom for the relief of Miss Ellen M. Stone, and American missionary to Turkey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to increase the appropriation for investigations of methods for wood distillation and for the preservative treatment of timber, etc., from $100,000 to $170,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation to investigate and encourage the adoption of improved methods of farm management and farm practice, etc., from $375,000 to $600,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment authorizing the Secretary of Agriculture to sell at actual cost to homestead settlers and farmers for their domestic use mature dead and down timber in national forests, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SMITH of Georgia. I offer an amendment intended to be proposed to the Post Office appropriation bill. The amendment is very brief, and I ask that it be read, printed, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the amendment was read and referred to the Committee on Post Offices and Post Roads, as follows:

Amendment intended to be proposed by Mr. SMITH of Georgia to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, viz: On page 27, after line 12, insert the following:

That hereafter fourth-class mail matter shall embrace seeds, cuttings, bulbs, roots, scions, and plants, and the provision contained in the act approved August 24, 1912, continuing said articles under the provisions fixed by section 482 of the Postal Laws and Regulations is hereby repealed.

That hereafter books shall be carried as fourth-class mail.

Mr. SMITH of Georgia submitted an amendment proposing to appropriate $8,000 for improving Fancy Bluff Creek, Ga., connecting Turtle River and Brunswick Harbor with Little Satilla River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SWANSON submitted an amendment providing for the removal of the shoal at the mouth of the Blackwater River, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $82,000 for dredging and widening the approach to the western branch of the Elizabeth River, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment providing for a continuance of the personnel of the membership of committees and commissions created and provided for in sections 1 and 8 of the Post Office Appropriation act of June 30, 1913, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. SHIVELY submitted an amendment proposing to appropriate $1,000 to pay O. M. Enyart for moneys paid and expended by him for the purchase of the copyright of Ben: Perley Poore's Political Register and Congressional Directory of the United States of America, 1776 to 1878, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CONNECTICUT RIVER DAM.

Mr. JONES. I submit an amendment intended to be proposed by me to the bill (S. 8033) known as the Connecticut River Dam bill, which I ask may lie on the table and be printed.

Mr. BRANDEGEE. I ask that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JONES to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

After the word "used," in line 23, on page 2, strike out down to and including the word "therewith," in line 25, and insert in lieu thereof the following:

"To reimburse the Government for the cost of surveys, inspection, and similar expenses, and for the purpose of protecting the navigation of the Connecticut River in the interests of the public."

PHYSICAL VALUATION OF RAILROADS.

Mr. CLAPP submitted the following resolution (S. Res. 449), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Senate Committee on Interstate Commerce is considering H. R. 22593, an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors: Therefore be it

Resolved, That said Interstate Commerce Committee of the Senate is hereby authorized and directed to inquire into the matters embraced in said H. R. 22593 at the earliest practicable date, and for that purpose they are authorized to send for papers and persons, administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and in addition to the usual fees allowed witnesses to pay a reasonable compensation to experts appearing before the said committee; and any expenses in connection with such hearings shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. CLARKE of Arkansas subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

TREATIES, CONVENTIONS, ETC. (S. DOC. NO. 1063).

Mr. LODGE (for Mr. CULLOM) submitted the following resolution (S. Res. 448), which was read, considered by unanimous consent, and agreed to.

Resolved, That 500 copies additional of the supplement to the compilation entitled "Treaties, conventions, international acts, and protocols between the United States and other powers, 1776 to 1909," including treaties, conventions, important protocols, and international acts to which the United States may have been a party from January 1, 1910, to March 4, 1913, inclusive, be printed as a Senate document.

COMPENSATION OF SENATORS.

Mr. O'GORMAN submitted the following resolution (S. Res. 452), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the contingent fund of the Senate, to the Hon. K. I. PERKY the sum of $267.12, being the compensation of a Senator of the United States for 13 days, January 25 to February 6, 1913, during which he served as Senator from the State of Idaho; to the Hon. NEWELL SANDERS the sum of $184.93, being the compensation of a Senator of the United States for 9 days, January 25 to February 2, 1913, during which he served as Senator from the State of Tennessee; and to Hon. R. M. JOHNSTON the sum of $82.19, being the compensation of a Senator of the United States for 4 days, January 30 to February 2, 1913, during which he served as Senator from the State of Texas.

MEMORIAL CEREMONIES FOR THE LATE VICE PRESIDENT.

Mr. ROOT submitted the following resolution (S. Res. 451), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Senate extend to the Speaker and the Members of the House of Representatives an invitation to attend the exercises in commemoration of the life, character, and public services of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate, to be held in the Senate Chamber on Saturday, the 15th day of February next at 12 o'clock noon.

MISSISSIPPI RIVER BRIDGES AT MINNEAPOLIS, MINN.

Mr. NELSON. I move to reconsider the votes by which the following bills were passed on the 3d instant:

A bill (S. 8248) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

A bill (S. 8249) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

A bill (S. 8250) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.; and

A bill (S. 8251) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.

The motion to reconsider was agreed to.

Mr. NELSON. I ask that the bills be placed on the calendar.

The PRESIDENT pro tempore. Without objection, the bills will be returned to the calendar.

INTERNATIONAL COMMISSION OF JURISTS (H. DOC. NO. 1343).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State inclosing a report, with accompanying papers, of the delegates of the United States to the International Commission of Jurists, which met at Rio de Janeiro in June last.

WM. H. TAFT.

THE WHITE HOUSE, *February 5, 1913.*

(Report of delegates accompanies the message to the House of Representatives.)

IMPORTS AND EXPORTS (H. DOC. NO. 1340).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

By joint action of the Department of Commerce and Labor and the Treasury Department, committees of those two departments have recently made a careful investigation of the methods of preparing the statistics of the imports and exports of the United States.

These committees have unanimously recommended that the laws relating to the preparation of shippers' manifests be amended in such manner as to compel the preparation by exporters of accurate and complete lists in regard to merchandise sent out of the United States. Without such amended laws these committees deem that it is impossible for the customs officers to obtain with accuracy the figures of our export trade. The existing law regarding statistical returns of exports by sea was enacted in 1821, and, naturally, fails to meet conditions existing at the present time, when methods of communication and transportation, classes of articles entering international commerce, places of production of such articles, and the demands of business for information in reference thereto have greatly changed. A large proportion of the merchandise now being exported originates in the interior of the country and is of such character and variety that a proper description thereof can not be made at the port of exportation. It is recommended, therefore, that a measure be enacted which will remedy the unsatisfactory conditions in our export statistics.

This new measure should provide that persons forwarding merchandise from interior points for exportation shall supply to the transportation company receiving such merchandise a manifest similar in general form to that required at the port of exportation, which manifest shall be conveyed by the transportation company to the port of exportation and delivered to the collector of customs.

For any omission from or incorrect description of the merchandise in any manifest, whether originating in the interior or at the port of exportation, as to kind, quantity, or value, the owner, shipper, or consignor, or agent of either, should be made liable to a fine of $50, unless it be shown that such omission was due to a mere clerical error. If it be shown that the incorrect statement has been willfully or fraudulently made, the person responsible therefor should be deemed guilty of a misdemeanor and rendered liable to fine or imprisonment.

The bill should also provide a penalty for the failure of the transportation company to procure from the exporter, at the original place of shipment, the manifest noted above, and likewise a penalty for failure to transmit it to the collector of customs at the port of exportation, or for failure to deliver it to any other transportation company to which it may deliver the merchandise en route, and the company so receiving should be also required under penalty to forward to the collector of customs the said manifest.

The bill should prohibit, under penalty for violation, the disclosure by any officer, employee, or other representative of a common carrier of any information regarding the kind, quantity, value, destination, or consignee of any of the merchandise carried by it for exportation and described in the manifest above referred to.

It is believed that a measure embodying these suggestions into law would fully meet the objections now offered to the proposition that interior shippers shall supply manifests of the goods forwarded for exportation. The chief objection has been that information regarding their business might be disclosed by employees of the common carriers transporting the merchandise and receiving statements as to its character, valuation, destination, and the consignee. The plan, if carried into effect, would, it is believed, protect the original exporter against disclosure of his business, give to the customs officers at the port of exportation sufficient information to enable them to properly describe and value the merchandise, and also assure much greater accuracy as to the true value of the merchandise being exported.

I suggest, as equally important, an amendment to section 4197 of the Revised Statutes of the United States, making the law conform to the present practice by which vessels are permitted to file a supplementary manifest within four business days after the clearance of the vessel, a practice without authority of law but sanctioned by the Customs Regulations (art. 128).

The provisions of section 4197 of the Revised Statutes requiring the master of the vessel to file a complete manifest of the cargo before a clearance is granted, a measure enacted before the utilization of steam power in ocean traffic and prior to the transaction of business with the aid of telegrams, cablegrams, and telephonic communications, can not be carried out under present methods of commercial transactions. To demand a strict compliance with the requirements of the statute in this particular would congest traffic, delay travel and the transportation of the foreign mails, paralyze business, and jeopardize our international commerce. It is found that there has been no enforcement of this part of the statute at the larger ports of the United States for upward of 30 years. It is believed that the law for the clearance of vessels and filing the cargo manifests should be in harmony with the law requiring the presentation of shippers' manifests. The amendment proposed to the law would be justified by many years' experience and careful consideration of this important subject. It would add no burdens to the duties of steamship companies. Instead, it would simplify the preparation of the manifest and legalize the present custom of filing supplementary manifests. It should fix the same penalty ($500) for failure to file a manifest and obtain a clearance

for a vessel, and should provide a penalty of $50 for neglect of entering merchandise in the manifest. It should grant the same period for filing a supplementary manifest as the current practice under article 128 of the Customs Regulations.

The recommendations of this message have received the approval of the two departments whose work and functions will be most affected by them—the Treasury Department and the Department of Commerce and Labor.

If a bill or bills embodying the suggestions of this message would be useful to the Congress, or to any committees thereof considering the subject, they will be forwarded on request.

WM. H. TAFT.

THE WHITE HOUSE, *February 4, 1913.*

HURON PLACE CEMETERY, KANSAS CITY, KANS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land be, and the same is hereby, repealed, which were, on page 2, line 2, after "six," strike out all down to and including "land" in line 7, and insert:

As reads as follows:

"That the Secretary of the Interior is hereby authorized to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kans., and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte Tribe in a certain ferry named in said treaty, if, in the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the members of the Wyandotte Tribe of Indians who were parties to said treaty, their heirs, or legal representatives."

And to amend the title so as to read: "An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans."

Mr. CURTIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict, was read twice by its title and referred to the Committee on Private Land Claims.

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, was read twice by its title and referred to the Committee on Finance.

H. R. 27875. An act authorizing the President to convey certain land to the State of Texas was read twice by its title and referred to the Committee on Public Lands.

H. R. 28093. An act to amend the general pension act of May 11, 1912, was read twice by its title and referred to the Committee on Pensions.

H. R 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code," was read twice by its title and referred to the Committee on the Judiciary.

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent for the entering of the order which I send to the desk. I will say, before it is read, that the Senator from Idaho [Mr. BORAH], who objected to the unanimous-consent agreement of a similar character yesterday, told me this morning that he would consent to the date which I have now substituted, and it is at his suggestion that I send the order to the desk.

The PRESIDENT pro tempore. The request will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Tuesday, February 11, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with appropriation bills or conference reports, nor with the memorial services on Saturday, February 15, nor the meeting of the two Houses of Congress on February 12.

Mr. GALLINGER. What about the present unanimous-consent agreement?

Mr. BRANDEGEE. The Senator from New Hampshire now asks about the existing unanimous-consent agreement that is already upon the calendar. That will have expired before the time this one arrives.

Mr. GALLINGER. That is all right.

Mr. LODGE. I desire to ask the Senator from Connecticut if he would not put in an hour for voting, as was done in other cases, instead of "the legislative day"?

Mr. BRANDEGEE. What did the Senator ask—that the vote be taken on the calendar day?

Mr. LODGE. Yes; the calendar day.

Mr. BRANDEGEE. Well, there is objection to that.

Mr. LODGE. I see.

Mr. BRANDEGEE. Senators want more opportunity to discuss the measure.

Mr. ROOT. With all these exceptions, I think it will be impossible to fix an hour.

Mr. BRANDEGEE. I think it would be impossible, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent which has just been read from the desk?

Mr. JONES. I desire to ask if it is understood that the Senator from Ohio [Mr. BURTON] is to proceed to a discussion of the bill to-day?

Mr. BRANDEGEE. It is so understood by me, because the Senator from Ohio stated that he was going to make some remarks.

Mr. SMITH of Arizona. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. SMITH of Arizona. I want to know if this is a proceeding by unanimous consent? I have not heard unanimous consent given yet, but I have observed quite a number of interruptions.

The PRESIDENT pro tempore. It has not been.

Mr. JONES. I should like to ask the Senator from Ohio whether he intends to proceed to discuss the bill?

The PRESIDENT pro tempore. The Chair will state for the information of the Senator from Arizona that it is the general practice of the Senate whenever unanimous consent is asked by general acquiescence for reasons pro and con to be given.

Mr. SMITH of Arizona. I understand that. I only want to learn the rules. I tried to make a parliamentary inquiry, and I am on the floor yet for that purpose.

The PRESIDENT pro tempore. The Senator has not the floor, unless he rises to a point of order, except by consent of the Senator from Connecticut.

Mr. SMITH of Arizona. Then I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Arizona. I am trying to learn these technical rules.

The PRESIDENT pro tempore. That is not a point of order.

Mr. SMITH of Arizona. I want to see universal application of the rules, and when I understand them I will conform to them as best I can.

The PRESIDENT pro tempore. The Senator is not now rising to a point of order.

Mr. SMITH of Arizona. I am rising to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Arizona. My point of order is that there is a debate proceeding without the request for unanimous consent having been objected to.

The PRESIDENT pro tempore. There is an application for unanimous consent pending.

Mr. SMITH of Arizona. Yes, sir; but you have not ruled on that; no one has objected to unanimous consent; debate is proceeding, and it is necessary to have the unanimous consent that the debate should proceed.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SMITH of Arizona. I think the Chair does not catch my point of order.

The PRESIDENT pro tempore. What is the Senator's point of order?

Mr. SMITH of Arizona. The point of order is that we are proceeding out of order.

The PRESIDENT pro tempore. Does the Senator from Arizona call the Senator from Washington to order?

Mr. SMITH of Arizona. I call Senators to order under the ruling of the Chair. Unanimous consent should be granted or not granted before anything can be said about it.

The PRESIDENT pro tempore. Very well. The Senator's point of order is sustained. The question is upon agreeing to the proposed unanimous-consent agreement, which has been read.

Mr. JONES. I want to ask the Senator from Ohio if he expects to proceed to a discussion of the bill?

The PRESIDENT pro tempore. The Senator from Arizona objects to the Senator from Washington being heard.

Mr. BRANDEGEE. I ask unanimous consent that the Senator from Washington may be allowed to make a brief statement.

The PRESIDENT pro tempore. Is there objection to the Senator from Washington proceeding?

Mr. CLARKE of Arkansas. Mr. President, I think that we are about to get into a situation here that will trouble us hereafter in a way which will embarrass us. It is part of the right to ask for unanimous consent that those who favor it and those who object to it may have a right to state the reasons for and against it. That is just as much a part of the request as any other feature of it, and I would not want to have it understood that every time anything of that kind occurred it had to be by unanimous consent and that the entire situation might be disturbed by a single objection.

I think the point of order raised by my friend from Arizona [Mr. SMITH] was not well taken. I think when the Senator from Connecticut [Mr. BRANDEGEE] asked for unanimous consent that the very request involved a unanimous consent that the reasons for and against it might be given. I trust the ruling of the Chair will be such as will not put us at the mercy of a single Senator whenever a request for unanimous consent is made.

Mr. SMITH of Arizona. I certainly concur in that.

The PRESIDENT pro tempore. The Senator from Arizona has entirely mistaken the situation. The difference between the case now under consideration by the Senate and the situation when he formerly addressed the Chair is that the Senator from Arizona then undertook to discuss the case on the merits when the question was whether a resolution should be taken up for consideration, which is a very different matter.

Mr. CLARKE of Arkansas. I desire to say to the Chair that I did not have reference to any particular transaction which had preceded this instance.

The PRESIDENT pro tempore. The Chair will state that the rule of the Senate is that upon a motion to proceed to the consideration of any matter it shall be decided without debate; but the Chair did state that it was the universal practice of the Senate, whenever a question was submitted as to whether or not unanimous consent should be granted, that there should be an interchange of opinion, not on the merits of the question, but upon the particular request for the unanimous consent.

Mr. SMITH of Arizona. If the Chair will pardon me, I was not attempting to address the Senate on the merits. I was asking for what I got and what you can always get from the Senator from New York. I was seeking information, so that I would know whether or not I would object. When I found that it was impossible for me even to ask a question, I wanted to know if that was to be the rule of the Senate.

I am aware of the difficulty in which, as the Senator from Arkansas suggests, we would be thrown if a request for unanimous consent had to be determined on the mere presentation of the matter without Senators having knowledge on the subject, and, therefore, not knowing whether to object or not. It was for that reason I asked for information. That was the attitude I was assuming before the Chair at that time. That is all I have to say about it.

The PRESIDENT pro tempore. The Chair does not deem it proper for the Presiding Officer to enter into an argument with a Senator on the floor.

Mr. CLARKE of Arkansas. Mr. President, I merely want to put the matter into such attitude that the Senate can settle it, for I deem it a very material point. The Chair has made a ruling that when a request is made for unanimous consent nothing can be said concerning it except by another unanimous consent. I want to take an appeal from that ruling.

The PRESIDENT pro tempore. The Chair did not so rule. The Chair simply ruled that the objection of the Senator from Arizona was sufficient to prevent a discussion of the question. The Chair did suggest the fact, and repeats it, that the universal practice of the Senate, never before challenged within the knowledge of the Chair, has been for an exchange of views whenever an application for unanimous consent has been made.

Mr. CLARKE of Arkansas. That universal practice has become part of the rule; it is an interpretation of it. It is acted upon, and it is of itself a part of the rule that allows a Senator to ask for unanimous consent; and I think that we ought to maintain it as a part of the rule. I do not think that the right to explain the situation incident to a request for unanimous consent should only proceed by another unanimous consent; otherwise, we would never know why a unanimous-consent agreement is desirable; we would be compelled to vote in the dark, and it would defeat the very object that we have in making such requests.

If the Chair will permit me now to appeal from the ruling that he made on the point of order of the Senator from Arizona, I will enter that appeal. I think that we ought now to record the judgment of the Senate, that when a request is made for unanimous consent to fix a date to vote upon a certain proposition, for instance, the reasons why that consent should be given or withheld are within the request without an additional consent.

The PRESIDENT pro tempore. The Chair has stated that that has been the universal practice of the Senate.

Mr. CLARKE of Arkansas. Then, the point of order raised by the Senator from Arizona was not well taken; and the Senator from Connecticut and the Senator from Washington had each the right to state why he thought that consent should be given or withheld without appealing to the Senate for unanimous consent to do so.

I only want one of our most valuable rules preserved, because if the ruling of the Chair, as I understand it—to be sure, I am not imputing to the Chair a meaning that he did not intend to convey—but if the ruling stands as made, when a request is hereafter made for unanimous consent, for instance, to fix a date to vote upon an important public measure, no Senator will be permitted to say a word if a single Senator objects to debate, and we will then be forced to vote in the dark or forced to dispose of a matter of very great concern without the benefit of the enlightening course of debate, as it takes place here. I want it understood—and I think it is the judgment of the Senate that it shall be understood—that when a request for unanimous consent is made, the right to make such explanatory remarks as relate to that particular question, but not to the merits of the main proposition, shall be allowed as a matter of course.

Mr. LODGE. Mr. President, on the point of order that has been raised I think there can be no possible question that the universal practice has been as stated by the Chair. It is also obvious that it can only be a universal practice, because at this moment I have it in my power under the rules to put an end to the matter by demanding the regular order.

Mr. BRANDEGEE. Or by objecting.

Mr. LODGE. Or by objecting. So that the Senate is entirely protected against requests for unanimous consent being used as a means for protracting or delaying business. The protection is absolute, but the practice, when a unanimous-consent agreement is asked for, is as the Senator from Arkansas [Mr. CLARKE] has stated. We can not possibly agree to a request for unanimous consent to fix a time in the future to take a vote, which affects all the business of the Senate, without understanding its purpose and effect. I do not mean by that that we should discuss the merits of the question, for that is a different thing; but we ought to know the surrounding circumstances, if the consent is to be granted; and if not to be granted, it can be cut off by one objection.

The PRESIDENT pro tempore. The Chair thinks the view presented by the Senator from Arkansas [Mr. CLARKE] is the correct one, and, with the permission of the Senate, will withdraw the ruling. The Chair will state that the ruling was really made in the interest of time and to end discussion.

Mr. CLARKE of Arkansas. Then, we understand that the point of order raised by the Senator from Arizona is not well taken.

The PRESIDENT pro tempore. The point of order is not well taken. The Chair repeats that the Chair so ruled in the interest of time.

Mr. SMITH of Arizona. If the Chair will bear with me in patience, I want to indicate to the Chair that I have no feeling in this matter whatever——

The PRESIDENT pro tempore. The Chair of course so understands.

Mr. SMITH of Arizona. My only desire was to ascertain whether this was to be the rule or not, for in another parliamentary body in which I have served the common statement is, "Reserving the right to object, I should like to inquire," and so forth, so that information may be had as to what is the request. I thought that practice prevailed here, and that was the reason I made the point of order. I had no object and no feeling other than that.

The PRESIDENT pro tempore. The application of the Senator to address the Senate, reserving the right to object, was not made upon the question of granting a unanimous consent, but was made upon the question of present consideration of a proposed measure, which is an entirely different matter.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington.

Mr. JONES. I simply want to inquire of the Senator from Ohio if he expects to proceed with the discussion of the bill to-day?

Mr. BURTON. In answer to the interrogatory of the Senator from Washington, I will state that it is my desire to proceed with some remarks on this bill immediately after the disposition of the request for unanimous consent—that is, if I have opportunity.

Mr. JONES. With that understanding, I shall make no objection to the request.

Mr. CLARKE of Arkansas. Do I understand that the morning business has been closed?

The PRESIDENT pro tempore. It has not.

Mr. CLARKE of Arkansas. Is there anything before the Senate?

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. BRANDEGEE] has presented an application for unanimous consent. Is there objection to the unanimous-consent request, which has been read from the desk? The Chair hears none, and it is so ordered.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. PAYNTER. Mr. President, I desire to give notice that to-morrow, February 6, 1913, after the conclusion of the routine morning business, I shall address the Senate on the so-called Kenyon bill relative to interstate commerce in intoxicating liquors.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BURTON. Mr. President, in pursuance of the notice given yesterday, I desire to address the Senate in favor of Senate bill 8033, Order of Business No. 1001.

There is much anxiety for the passage of this bill in the States of Massachusetts and Connecticut. It contemplates a public improvement which assumes national importance, relating to the development of navigation, and incidentally of water power, in the Connecticut River.

Mr. BANKHEAD. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. BANKHEAD. There is so much confusion in the Chamber that we are unable to hear the Senator from Ohio.

The PRESIDENT pro tempore. The point is well taken. The Senate will please be in order. The Senator from Ohio will proceed.

Mr. BURTON. I am satisfied that there would be no objection to the bill in the Senate except for the opinion of certain Senators that it creates a precedent which may be embarrassing to them. It contains two or three clauses which, as they allege, establish a rule which operates as an infringement on the rights of States and individuals and is a departure from the settled policy of the Government.

I shall endeavor to show, on the contrary, that the precedent established will not be embarrassing; that the bill does not infringe upon the rights of States or individuals; and that, so far from being a departure from the established policy of the Government, it is in line with it and confirms a salutary method of improving the rivers of the country. I shall also endeavor to show that, even conceding all this, exceptional circumstances exist in this case which differentiate it from other propositions here pending.

It is desirable at the very outset to explain the purpose and provisions of the bill. It gives authority to the Connecticut River Co. to construct a dam in the Connecticut River above Hartford. The river is now navigable for a distance of 52 miles, or, speaking exactly, 51.9 miles, from its mouth at Saybrook, on Long Island Sound, to the city of Hartford. On this stretch of the river there has existed for many years a very considerable traffic. It amounted in the last year to 683,000 tons. The freight carried had a value of $23,000,000. There is a regular passenger line from Hartford to New York, and the route is utilized to a very considerable extent by barges for the carriage of freight from New York and other localities to points on the Connecticut River.

Above Hartford there are obstructions. The first 10½ miles could be improved with comparative ease. At that point there are rapids extending for 5½ miles, which under the existing state of improvement interpose an effective barrier to its practical navigation for commercial purposes, though a canal with a lock of small dimensions permits the passage of boats of small draft. The traffic, however, is negligible.

Beyond these rapids there is a stretch of 18 miles, extending 11 miles to the city of Springfield and the near-by city of Chicopee, and then 7 miles farther to Holyoke. So the section below Hartford is 52 miles in length, and that above Hartford is 34 miles in length, in the midst of which, however, these rapids are found.

It is a familiar fact to the Senate that the cities mentioned are busy industrial centers. It is probable that the traffic would be doubled if navigation could be extended from Hartford to Holyoke past Springfield and Chicopee.

There has been agitation on behalf of this improvement for many years. It assumed active form in the year 1898. Since then several surveys have been made by the engineers of the Government. The improvement has been found to be practicable, but the expense has seemed to be prohibitive, and whenever any one of these surveys has been presented Congress has refused to make the necessary appropriation. This bill seeks to accomplish, by the utilization of water power in coordination with navigation, that which the Government has declined to do as an independent proposition.

The original grant by the State of Connecticut to the Connecticut River Co. was made in the year 1824. I will read briefly from the charter, from which it will appear that the object was the promotion of navigation.

The charter of the Connecticut River Co., passed in May, 1824, provided:

Resolved by this assembly, That John T. Peters, David Porter, Charles Sigourney, with all such persons as are or may be associated with them for the purpose of improving the boat navigation of Connecticut River, and their successors, be, and they are hereby, incorporated and made a body politic, by the name of the Connecticut River Co.

That corporation is still in existence, and under this authority constructed the lock and dam to which I have referred. The present proportions of both lock and dam and canal are so small, however, as to be utterly inadequate to satisfy modern demands for traffic. The use of water power by this company was altogether incidental, and not until the year 1909 was any authority given to develop hydroelectric power in connection with their works, though prior to that time they had sold the use of surplus water.

I may further say that during the life of this present Congress bills were introduced in the Senate both for the Connecticut River Co. and for another corporation known as the Northern Connecticut Power Co., seeking to accomplish practically the same object as the bill under consideration. Those bills were referred to the Committee on Commerce, and by its chairman referred to a subcommittee. The subcommittee held numerous hearings, giving careful consideration to them, and concluded that so long as these two corporations were at odds it was useless to grant any franchise. They have now come to an agreement, which agreement, however, lasts only until March 4, 1913. That fact impresses upon us the desirability, and in fact the necessity, of early action on this bill.

I will now review briefly the pending bill. It is entitled:

A bill to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

I may state, before going into the bill in detail, that it follows, in its general provisions, the so-called dam act of 1906, as amended in 1910.

The first section grants to the licensee the right to construct, maintain, and operate a relocated dam of larger size than the present one. There are three provisions in the first section which are not contained in the general dam act.

In the first place, the time for completing the dam may be extended by the Secretary of War, for good cause shown, for two years beyond the time prescribed in the general act. This is thought proper in view of the magnitude of the work. The general dam act authorizes the licensee to enjoy the privilege

granted provided he shall begin work within one year and complete it within three years.

The second provision is found in lines 15 to 18 of page 2 of the bill, a provision that the rights and privileges granted—

May not be assigned except upon the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction.

Mr. President and Senators, I maintain that a condition of that kind is absolutely necessary to prevent monopoly in this very valuable asset of the Nation. Already there has been a very considerable degree of consolidation. The head of the Bureau of Corporations made a report some time since, in which he showed this tendency to concentration in the hands of a limited number of corporations, and that under this tendency a very large share of the water power of the country was falling under the control of certain corporations which have been alert and active in seeking to gain for themselves this very valuable privilege.

The third clause in which there is matter not included in the general dam act is found in lines 13 to 25 of the second page of the bill, and in lines 1 to 8 of page 3.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. I should like to ask the Senator from Ohio whether the proviso just read by him would in any manner affect or prevent the assignment of the shares of stock of this company, or a majority of the shares of its stock, to some competing or other concern or individual?

Mr. BURTON. I presume not, Mr. President. As the Senator from Colorado will realize, we can adopt only regulations which will have a certain protective influence. Thus far in our legislation we have been content to place restrictions upon assignment to another organization. In time there may be a necessity, and, in fact, that necessity may exist now, to prevent common ownership. That was recommended in the report of the National Monetary Commission, in which there were very careful restrictions on common ownership of the stock of banks which should hold stock in the National Reserve Association.

The second portion of this bill, which is outside of the general dam act, reads as follows:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance, and renewal, and for depreciation charges.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Ohio yield to the Senator from Wyoming?

Mr. BURTON. In just a moment.

It will be noted that this provision grants to the Secretary of War the right and the duty in certain cases to impose a charge to be deducted from the proceeds of the water power, the amount realized from that charge to be applied toward the improvement of the river and the waters connected therewith.

I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. That is the exact point upon which I desired to interrogate the Senator. I understand from the public press that at least a tentative contract—an agreement upon which a contract shall be based—has been already entered into between the Secretary of War and this company. I will ask the Senator if he can furnish for the information of the Senate a copy of that contract which is proposed to be entered into under the terms of this section of the bill?

Mr. BURTON. Mr. President, I know of no such contract. I know of nothing outside the terms of this provision that is here before us. If it is in existence, I am entirely unaware of it.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Certainly.

Mr. BANKHEAD. If it does not disturb the Senator from Ohio, I think there is one very important question involved here which should be understood now before he proceeds further with his discussion, and that is whether the Connecticut River Co. owns the site where this dam is proposed to be built or whether it is the property of the Government of the United States.

Mr. BURTON. I will come to that fully in a moment.

Section 2 of the bill contains a provision pertaining to location and provides for navigation. It will be seen that all through this bill the paramount object to be obtained is navigation. For instance, the officials of the Government have the right to control the flow of water. This section contains a provision to the effect that a certain quantity must at all times be allowed to pass by the dam. There is a provision for the height of the dam under which interference with rights acquired above this locality is prevented.

In answer to the question of the Senator from Alabama I will now take up section 4. It provides:

SEC. 4. That compensation shall be made by the said Connecticut River Co. to all persons or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said dam, lock, and appurtenant and accessory works, in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act.

Thus it will be seen, in answer to the question of the Senator from Alabama, that a most comprehensive provision is made that all private rights shall be acquired by this company, and that it shall be done without the United States incurring any obligation. It should be stated further in this connection that the licensee or grantee under this bill already owns a considerable share of the land abutting on the river at this point, though more land would have to be acquired.

Mr. CUMMINS. Will the Senator yield for a question?

Mr. BURTON. Certainly.

Mr. CUMMINS. The Senator has touched a question that is very interesting to me and which is somewhat agitated in my own State now. I suppose the Senator would not insist that the Government of the United States could give to the Connecticut River Dam Co. or Bridge Co., whatever it may be, the right of eminent domain in the State of Connecticut?

Mr. BURTON. The Government of the United States, by statute of Congress, has done something quite similar to that. Congress has passed an act providing that where land must be utilized for a Government work or is needed by the Government in connection with that work the district attorney in that locality, at the direction of the Secretary of War, may proceed to condemn it on proper indemnity being given to the Government against loss.

Mr. CUMMINS. I simply wanted to know whether the Senator from Ohio was of the opinion that Congress would give to a private company engaged in building a dam, even though it improved navigation, the right to take property in one of the States without the assent of the State.

Mr. BURTON. Such right could be by Congress if the property is to be used for a Federal purpose. Laws have been enacted with this object in view. In the case referred to the action would probably have to be by the Government on the initiative of the private company.

Mr. BORAH. And that for a specific and limited purpose, not by the general right of eminent domain to condemn.

Mr. BURTON. For Federal purposes.

Mr. CUMMINS. I wanted to get it clear as the Senator went along. Assuming the primary purpose of the grant is to create power which is to be sold for private profit, can the Government give such a company the right to go into the State and condemn private property as for public use?

Mr. BURTON. As I have already stated, the principal object of this bill, if any action is taken under it, is for the development of navigation. The water power is incidental to that object.

Mr. CUMMINS. May I ask the Senator from Ohio whether, assuming that is true, assuming that the motive, if you please, on the part of Senators who would vote for this bill, is to improve navigation, but assuming also that it is a private company, the chief purpose of which, so far as the company is concerned, is to create power for sale, could Congress in any way give to that company the right to condemn land in the State of Connecticut?

Mr. BURTON. Not for the creation of water power pure and simple, but that is not the case which is presented here. It is an improvement of navigation. The company takes the place of the Government in the improvement of navigation. The company already has the right to develop navigation, and such water power as it develops is incidental to it.

Mr. CUMMINS. Of course, my whole question leads up to this inquiry. Will the assent of the State be required before the proposition can be put into practical operation?

Mr. BURTON. I should question whether it would, under the statute passed, I believe, in 1906, although I have not recently examined it. I do not think, however, that question would be of much practical importance in this particular case,

because the corporation already has its charter and has its right to proceed under it.

Mr. CUMMINS. I do not know that it will be important in this case, but it will be important in a great many cases. It is very important in my own State at the present moment, where a private company is endeavoring to condemn the land of a private owner for the purpose of building a dam or for the purpose of being permitted to overflow lowlands. As I understand it, that company has never asked for any such power from the State of Iowa; it has never asked the consent of that State to exercise the privileges of eminent domain; and I was very anxious to get the exact view of the Senator from Ohio, who has been a deep student of the subject, because I think it is going to be a very important inquiry before very long.

Mr. BURTON. I will state to the Senator from Iowa that a case is reported in the Federal Reporter, volume 32, page 9, Stockton, Attorney General of New Jersey, against The Baltimore & New York Railroad Co. and others, in which that question is, I think, discussed very fully, as well as a number of other questions, particularly the ownership of the land under water, the right of the State to compensation, and the right of the State to prohibit the construction of the bridge. All those questions are there discussed. I do not think it best to go apart from the discussion I am now pursuing to enter at this time upon that phase of a subject somewhat related, but which I do not think is immediately involved.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Certainly.

Mr. NEWLANDS. I would suggest to the Senator from Iowa that inasmuch as the National Government has sovereign power over interstate commerce and over navigation as a part of that commerce, and has the power to construct a dam in a river for the purpose of promoting that commerce, it has also the sovereign power to condemn without the consent of a State the land that is necessary for that structure; and that, if as an aid of such an enterprise, water power is developed, the sale of which would probably come within the control of the State, that fact would not in any way affect the right of the Nation as a sovereign to condemn such property to public use.

Mr. BURTON. I shall go into that subject quite fully, Mr. President.

Mr. CUMMINS. I did not express an opinion; I am simply a listener in this debate, and I was very anxious to know the view of the Senator from Ohio. I am glad now to know the view of the Senator from Nevada upon the subject. Of course, I have an opinion, which I will express later.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. I understood the query of the Senator from Iowa to be whether this power could be transferred or delegated by the General Government to a private corporation having a contract to construct a public work, which is an entirely different proposition from that suggested by the Senator from Nevada.

Mr. CUMMINS. My inquiry was, When permission is granted to a private corporation that intended to build a dam, the chief purpose of which, so far as the corporation is concerned, was to furnish power to sell, whether the General Government could without the assent or action of the State give to such a corporation the right to enter the State and take lands under the principle of eminent domain?

Mr. THOMAS. That was my understanding of the Senator's question.

Mr. BURTON. Let me answer again in a word: The General Government can delegate to a private corporation the right to condemn land for the improvement of navigation, and neither Congress nor the courts would carefully scrutinize the dividing line between navigation and water power, though the fundamental reason must be the development of navigation.

Mr. BRANDEGEE. But is not the true reason because the Government constitutes the private corporation, its agent for that improvement, and it is not strictly a delegation of power?

Mr. BANKHEAD. I dislike very much to interrupt the Senator further, but there is one phase of this question to which I wish to call his attention, and I want him to elaborate it before he gets through. I should like to ask the Senator if he believes the Government of the United States can go into any State of the Union and condemn a site for any purpose except for navigation?

Mr. BURTON. That is a question which, if I were to answer yes or no, I would say no, in so far as the question relates to the development of navigable streams.

Mr. BANKHEAD. If they have no right to condemn it for any purpose except for navigation, then have they any right to dispose of an incident or a by-product that will result from that improvement?

Mr. BURTON. Most decidedly they have.

Mr. BANKHEAD. On that there is a difference of opinion. I think I will be able to show the Senate that they have not, according to all the decisions of all the courts which have passed upon that question.

Mr. BURTON. Indeed, I am rather surprised, Mr. President, that that question should be raised, for it is fundamental. I will come to it very soon.

Section 3 imposes the obligation on the company to—

> build coincidentally with the construction of the said dam and appurtenances, at a location to be provided by said corporation and approved by the Secretary of War, and in accordance with plans approved by the Secretary of War and the Chief of Engineers, a lock of such kind and size, and with such equipment and appurtenances as shall conveniently and safely accommodate the present and prospective commerce of the river, and when the said lock and appurtenances shall have been completed the said corporation shall convey the same to the United States, free of cost, together with title to such land as may be required for approaches to said lock and such land as may be necessary to the United States for the maintenance and operation thereof, and the United States shall maintain and operate the said lock and appurtenances for the benefit of navigation, and the said corporation shall furnish to the United States, free of charge, water power, or power generated from water power, for operating and lighting the said constructions; and no tolls or charges of any kind shall be imposed or collected for the passage of any boat through the said lock or through any of the locks or canal of said corporation.

Section 5 is also new. It provides that the franchise shall continue 50 years, and at the expiration of that time the Federal Government may either take over the property itself or authorize the transfer of the franchise and property to another than the original licensee. In this respect the bill differs materially from existing legislation on the subject. I think I can prove to the satisfaction of Senators that some clause providing for compensation at the end of 50 years is altogether necessary. Three or four forms of franchise have been suggested, one a perpetual franchise. That, of course, is what the licensee would prefer, but in view of the possible development of water power, such a franchise is out of the question. We should be failing in our duty if we granted anything of the kind.

Another form of franchise is the so-called indeterminate one, in which no period is fixed. That kind of a grant is sometimes expressed as one giving rights during good behavior. The corporations seem to prefer that form of grant rather than one fixing a specific period, but there is such a degree of uncertainty attaching to it that it does not seem to be desirable. There is one practical objection to that class of franchises which is particularly potent in our cities. It constantly keeps the holders of the franchise in politics. They are seeking to elect men to the city council and to public office who will be favorable to their corporation and the rights under it. On the other hand, an indeterminate franchise is not without substantial dangers to those who possess them. In some wave of feeling officials may be elected who will endeavor to confiscate the rights granted under it.

We now come to the question between the 50 years without any provision as to the disposition of the property at the end of the time and 50 years with a provision for compensation.

It is evident that if the right be given for but 50 years, at the end of that period the utmost right which the licensee would have would be for the removal of his structures, and even that right is very doubtful. In such a case as this those structures are essential for navigation; they form part of a general plan for the navigation of the river, and if they can be removed navigation must fail.

But from the standpoint of the public there is another and more vital objection to a franchise which expires in 50 years, with no provision for renewal. A very large expense must be incurred in the construction of the dam, the lock, and appurtenances. If at the end of 50 years the licensee has no right in the structures erected and maintained, he would be compelled to establish a sinking fund to pay off the cost of those structures. That expense is usually represented by bonds, and the cost of creating a sinking fund to pay off the principal and interest of such bonds during the life of the franchise will be imposed upon the consumers. No public service commission could deny that right in case it were required to fix the charges; it would not be just to ignore the situation, and a court in reviewing an order of the commission would take into account the necessity for providing such a fund in fixing the rates. On the other hand, if provision is made for compensation at the

end of 50 years, in a case of assignment of the franchise to another, or its assumption by the Government, the consumer is relieved from that very material expense.

It is also provided here that a bonus—I hardly like to call it a bonus—of 10 per cent may be paid. That will be within the authority of Congress. The language of the clause is:

Allowance being made for deterioration, if any, of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined—

That is, the dam, the lock, the transmission lines, and the generating apparatus—

to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

In the provision for compensation great care is taken so that the licensee may claim nothing for the franchise value. It is merely for the value of the property on the basis of what it would cost to reproduce it at the time. The licensee then could not claim that he had a right to bring forward a long list of expenditures for equipment that was obsolete. Oftentimes in a progressive establishment structures are built and machinery is installed which in a short time have to be thrown upon the scrap heap. No claim for any expenditures of that nature could be made under this provision; it must be for the cost of replacing structures and in accordance with their value at the end of the time.

Mr. President, I have now pointed out the differences between this bill and existing legislation. The following statement is made in the minority report, page 21 of the document which is before us:

A majority of the committee in their report say:
"It appears to be a settled question that the Federal Government may impose a charge for the use of the surplus water not needed for navigation."

Then the minority report says:

We, the minority, deny that this question has been settled, and we challenge the majority to point to a single law on the statute books, or to a report of a single committee in Congress, or to a single decision of the Supreme Court which tends to establish their contention.

Mr. President, it seems to me that that is rather an extraordinary statement. It is refuted by an exceptional array of reports of committees, acts of Congress, acts of various officials of the Government, and by decisions of the Supreme Court of the United States.

I wish, in the first place, to call attention to the so-called Nelson report, made from the Judiciary Committee of the Senate. It is found on page 96 of the very document that has been prepared in relation to this bill.

Mr. BRANDEGEE. Will the Senator kindly indicate the title of that document?

Mr. BURTON. That document is entitled "Federal Control of Water Power"; papers submitted to the Committee on Commerce of the United States Senate. It comes from the printer for the use of the Committee on Commerce. It comes with no number. On page 96 of this report the following statement is made:

If for the purpose of improving the navigability of a stream carrying interstate commerce the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation. (Kaukauna Water Power Co. v. Green Bay & Mississippi Canal Co., 142 U. S., 254.)

Mr. CLARK of Wyoming. Of course the Senator does not cite that as the report of a committee.

Mr. BURTON. I had understood that it was.

Mr. CLARK of Wyoming. No; the Judiciary Committee has never made a report on this question. On the contrary, this is the individual view of a single member of the subcommittee of the Committee on the Judiciary.

Mr. BURTON. I stand corrected in that particular, then; I had supposed that the Judiciary Committee having had it under consideration a very long time, and having been asked by Congress or by the Senate to report on the subject, the request of the Senate found its compliance in this very able report.

Mr. CLARK of Wyoming. Not at all. The Judiciary Committee was, in fact, engaged for a long while upon this question and never arrived at a committee determination.

Mr. BURTON. May I ask the Senator from Wyoming how long they were on that question?

Mr. CLARK of Wyoming. Oh, I can not say how long, but we consumed a good many meetings in the discussion of it in an endeavor to embrace the entire country, starting on the Atlantic coast and, I believe, getting as far as the Hudson River. This is the report or at least the individual view of a single member of the subcommittee, I think.

Mr. BRANDEGEE. Mr. President——

Mr. NELSON. I will state that this is the report——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Ohio yield, and to whom?

Mr. BURTON. I yield to the Senator from Minnesota.

Mr. NELSON. I will state it is the report of the subcommittee, consisting of the Senator from New York [Mr. ROOT], the Senator from West Virginia [Mr. CHILTON], and myself, to the full committee.

Mr. BURTON. I can only say in deference to those gentlemen that while it may not be the report of the committee, it certainly will carry very great weight from three very eminent men.

Mr. CLARK of Wyoming. It would be a very valuable legal opinion.

Mr. BRANDEGEE. Mr. President——

Mr. BURTON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I was about to observe that it appears on page 85 of the document to which the Senator has just referred, and that it purports to be the "Views of Senator NELSON on Senate resolution 44, Sixty-second Congress, second session." That was the resolution introduced by the senior Senator from Washington [Mr. JONES], requesting the views of the Judiciary Committee on these questions.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Certainly.

Mr. BANKHEAD. I want to remind the Senator from Ohio that the case he cited here is not parallel to this one at all. The question of the Senator from Minnesota was as to where the Government itself was the riparian owner, where it owned the site itself, built the dam, and expended all of its own money in constructing the dam and preparation for navigation.

Mr. BURTON. While the Senator from Alabama is on his feet, I will read another quotation, two pages later, from that report.

Mr. BANKHEAD. I want the Senator to answer my present inquiry before he reads the extract.

Mr. BURTON. I will read; and it is an answer to your interrogatory.

Mr. BANKHEAD. Very well.

Mr. BURTON. It reads:

Responding to the second interrogatory, we are of the opinion, divorcing the question from riparian rights, that the Federal Government, in authorizing the construction and maintenance of a dam on a navigable stream by States, municipalities, or private parties, for the chief and primary purpose of improving the navigation of the stream, has the same right to prescribe the terms and compensation for the use of the surplus power, created as an incident to the main improvement, as the Government would have in case it had itself built the dam or made the improvement, and that the Government, having delegated the power of building such dam to private parties, might well confer upon them as compensation for the work thus undertaken the right to do what the Government itself could do in case it had itself constructed the work.

Mr. BANKHEAD. I ask the Senator from Ohio from what he reads?

Mr. BURTON. This is the same report, and I read from page 98.

Mr. BANKHEAD. I know it is the same report, but from whom does the Senator quote?

Mr. BURTON. From Senator NELSON's views.

Mr. BANKHEAD. I thought the Senator was quoting from the Secretary of War.

Mr. BURTON. Oh, no.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, the Senator from Ohio is not able to draw the proper conclusion from those two statements. In the one case, where the Government for the purpose of improving navigation constructs a dam and water power, that being the main purpose, though incidentally there is power created in connection with it, the Government, according to my opinion, has the right to charge compensation; but where the Government says to a private corporation, "We will give you permission"—and the permission only amounts to this, that we will consider the structure is not an impediment to navigation—where the Government says, "We will give you permission; we will put you in our place; you may build a dam with your own money if you will build it as prescribed by the Board of Engineers," in that case compensation for the use of the power belongs to the company that has put its money into the work, whereas in the other case it belongs to the Federal

Government, which has invested its money. It is exactly the same principle; the Government or the company that invests the money and makes the structure is entitled to the compensation.

Of course, when you come to compensation that a private company may exact, you are confronted by the question as to the rights of the State in the premises and the rights of the other riparian owners, which is a question divorced from this general proposition.

Mr. BURTON. Mr. President, let us see the position that the Senator from Minnesota takes. He says that the Government can authorize a private corporation to build a dam, and that dam shall be the property of the Government, the lock in connection with it shall be the property of the Government.

Mr. NELSON. Oh, no; I did not say that. I did not say that either the dam or the lock should be the property of the Government.

Mr. BURTON. It does not make any difference whether the Government has the ownership or merely the use for navigation. The Senator from Minnesota and every Senator who signed the minority report here agreed to the provisions in this bill—provisions that have been carried on the general dam act for years and included in a number of bills which Congress has passed. What are those conditions? That the Government——

Mr. JONES. Mr. President——

Mr. BURTON. I would like to proceed with my answer on this proposition. The minority concede that the Government may insist that the private corporation build the dam; it may insist that the private corporation build a lock, which has nothing whatever to do with the development of power, but is only for navigation; it may insist that it shall equip that lock and dam for navigation; it may insist that for all time power shall be furnished for the operation of that lock so that boats shall go through—all these are compensations for the right. But when it is asked that the company shall also pay a compensation, the minority say that can not be done. After having compelled the expenditure of some millions for the dam, half a million for the lock, after imposing on them the obligation for the maintenance of power, after having swallowed a camel, in fact three or four camels, you then strain at a gnat, and say you can not impose upon them the obligation to pay anything by way of rental when they have already agreed to expend millions for the privilege. As regards the few dollars that the company must pay from proceeds when the works are finished you come in here and say, "There you have got to jump off; you can not go any farther."

Mr. NELSON and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. BURTON. I yield, first, to the Senator from Minnesota.

Mr. NELSON. There is no compulsion on the parties who desire to construct a dam and create a water power on a reach of a river that is not navigable. They could go to work under State law and construct that dam. In the olden times, when we had merely the country sawmill and the ordinary flour mill, hundreds of dams were constructed throughout the country in connection with them, and the Federal Government never thought of interfering.

Mr. BURTON. Yes; and in this particular instance——

Mr. NELSON. In these later days, when the construction of dams leads to the development of electrical power, it involves the employment of large capital. Bonds have to be issued to obtain money to build dams on a vast scale, and the men who furnish the capital say, "We want you to go to the Federal Government to get a license."

What is it the Federal Government grants in this case? It says to these owners, "If you construct this dam as we require, with locks and gates, and operate it for the ends of navigation, we will not consider it as an obstruction to commerce and navigation." That is all that license amounts to. The Federal Government does not create any other power, and the Federal Government does not compel these parties to build the dam. They come here and get that license, a license which, in effect, is that if they do so and so, if they build the dam in this manner, we will not consider it an impediment to navigation.

Mr. BURTON. It seems to me the Senator from Minnesota goes far astray from the nature of the transaction. The parties choose to come to the Federal Government for the permission. It is useless to say that they could go to the State of Connecticut and get this permission. This act, while the locus is in Connecticut, is of far more importance to Massachusetts than it is to Connecticut. What is it that is imposed upon the company? Certain conditions under which they enjoy that privilege. What is the theory of it? That the Government, as a requisite for the right to locate there at all, imposes certain obligations upon them—charge for the use of the water. If we tell them, "Instead of paying us the money for it you can build a dam if you will, and you may build the locks," those are all of them conditions under which they go in there and take possession. In principle there is no difference whatever between an annual license and the expenditure of a vastly larger amount of money, which is necessary for placing those structures there and making the stream navigable.

Mr. BRANDEGEE. Will the Senator from Ohio yield to me?

Mr. THOMAS. Mr. President——

Mr. BURTON. One at a time. I will first yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to emphasize, if I might, the point which I think the Senator from Ohio alluded to, that in this particular bill the payment by the company of money is simply in effect a payment to the Government as trustee, and must be used for the improvement of navigation in that very river, hence it is just as properly a part of the condition under which the license is granted as the construction of the lock itself.

Mr. BURTON. Certainly. I am coming to that later, to show the difference.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Sentor from Colorado?

Mr. BURTON. I yield to the Senator from Colorado.

Mr. THOMAS. Suppose that instead of providing that this fund to be raised was to be used for the improvement of the Connecticut River the proviso was that it should be used for the improvement of the Hudson River, would that be an exercise of a power that belongs to the Federal Government?

Mr. BRANDEGEE. Is the Senator from Colorado asking me that question?

Mr. THOMAS. Yes. If the purpose of this bill is within that power, why, then, can not the fund be also diverted to the Hudson River or to some other river in some other State?

Mr. BRANDEGEE. It could not, certainly, under the terms of this bill.

Mr. THOMAS. I am not speaking about that, but about the extent of the power if we admit it for any purpose.

Mr. BRANDEGEE. I understand the Senator's question; and I will say I do not believe anybody can certainly answer the question. It has occurred to me that it might be constitutional for the Government, in the issuing of these permits, to provide, for instance, for a national fund, into which these payments should go, to be used in the interest of navigation. If we have jurisdiction of navigation under the commerce clause of the Constitution, what the Supreme Court would say about the legality of such a law, such a policy, I am not prepared to state, but I think clearly in this case, where it is confined to a particular river and made a condition of a particular improvement, it would be valid.

Mr. THOMAS. Mr. President, my purpose in rising was to inquire of the Senator from Ohio whether the right which he claims the Government has in a matter of this kind and whether the report made by the Senator from Minnesota, from which he read an extract, does not necessarily involve as a condition of its existence the ownership by the Government either of the waters of the stream or of the force which is created by gravity in the improvement of the water?

Mr. BURTON. Not at all. I shall dwell on that subject somewhat later in the course of my argument.

Mr. THOMAS. I should like to hear the Senator discuss that question.

Mr. JONES. Mr. President, the Senator may have gotten away from the point to which I desired to call attention——

Mr. BURTON. If I have, we will try to get back to it.

Mr. JONES. The Senator read an extract from the views of the Senator from Minnesota to sustain his proposition that the Government would have the right to make a charge for the surplus water power when the dam was constructed by private parties. If he had read just a few sentences further, he would have seen the views of the Senator from Minnesota with reference to what that charge should be and for what it should be made. I desire to read that.

Mr. ROOT. What page?

Mr. JONES. Page 98.

Mr. BURTON. Before the Senator from Washington reads that, I want to call his attention to the fact that he is likely to fall into error there.

Mr. JONES. I want this in the RECORD in connection with what the Senator read from the report of the Senator from Minnesota, because I am afraid that his hearers may be led into an error from what he read——

Mr. BURTON. Not at all.

Mr. JONES. If they do not hear what he failed to read. Now I will read it:

And in such case the Government would be authorized to charge a nominal license fee for inspecting and passing upon the plans and for watching over the work to see that it conforms to the plans and is properly maintained; but the regulative power of the Government would not extend to the use of the water for other purposes than navigation and interstate commerce. In such a case it seems to us that the Federal Government has no water power to sell or charge compensation for, for it is only authorized by the Constitution to regulate interstate and foreign commerce, which in this case means navigation.

Mr. BURTON. The Senator from Washington left out a part of that paragraph that would change the sense as much as leaving out the word "not" in one of the Ten Commandments. He has left out this—the first portion of it pertains to navigable streams—then he goes on to say—and I will read what the Senator from Washington has omitted——

Mr. JONES. Well, Mr. President, I suggest to the Senator that he connect it with what he previously read.

Mr. BURTON. I will begin just where I left off.

Mr. NEWLANDS. On what page?

Mr. BURTON. Page 98. I have already read in the hearing of the Senate the portion which pertains to the improvement of navigable streams for the purpose of navigation with water power incidentally created.

Mr. JONES. Does the Senator contend that what I read does not relate to navigable streams?

Mr. BURTON. I will read it. That is the best way to answer that question.

Mr. JONES. Very well.

Mr. BURTON. It is as follows:

In this connection, and as a further response to the interrogatory, it must be noted that the mere grant by the Federal Government of authority to construct a dam in a navigable river, not for purposes of navigation, but really for the creation of a water power, is merely a license or permit, the effect of which is that if the dam is constructed and operated conformable to plans approved by the Government, it will not be deemed an obstruction or impediment to navigation.

I want to say to the Senator from Washington it is perfectly plain that the first portion of the paragraph pertains to an improvement for the purpose of navigation where water power is incidental, and the latter portion, in the distinctest language—and that is the sentence the Senator from Washington omitted—says:

Authority to construct a dam in a navigable river, not for purposes of navigation, but really for the creation of water power—

And so forth.

Mr. JONES. Well, Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Washington?

Mr. BURTON. Yes.

Mr. JONES. Of course I can see where there may be a difference of opinion with reference to the purposes of this bill, but the main purpose of this bill is not to aid navigation. The primary purpose is to develop water power. The grantee in this case is not getting this grant for the purpose of aiding navigation but is getting it for the purpose of building and constructing water power for private purposes. It has to get permission of the Government to operate in a navigable stream, and so it is proper that the Government should put in this bill the necessary restrictions and provisions for the protection of navigation. The purpose, however, of this company is not to promote navigation but to develop water power.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Certainly.

Mr. ROOT. I want to suggest to the Senator from Washington that there may be two purposes in this bill.

Mr. JONES. Oh, there are more than two.

Mr. ROOT. There may be a purpose of the company and there may be a purpose of the Government of the United States. The purpose of the Government of the United States may be to utilize the willingness of this company to construct this dam in order that the navigation of the Connecticut River may be improved.

Mr. JONES. Certainly.

Mr. ROOT. And the provisions upon which the contest as to the propriety and validity of this measure depend are provisions which relate to carrying out the purposes of the Government in respect of navigation.

Mr. JONES. There is not any doubt in my mind that the language used by the Senator from Minnesota in the report just quoted applies to the case that we have before the Senate now. I do not think there is any question about that at all.

Mr. BURTON. I must most materially differ with the Senator from Washington in regard to that. The reading of the whole paragraph will not enable anyone to come to that conclusion.

Mr. JONES. I am satisfied that the Senator from Minnesota would claim that that was the thought he had in mind when he used that language; and the case was exactly on all fours with the one we have before the Senate now.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. Certainly.

Mr. WORKS. I should like to ask the Senator from Ohio whether he understands that the power that is to be developed by the construction of this dam is for private use or whether it will become a public use?

Mr. BURTON. Well, there is no specification in regard to that.

Mr. WORKS. That is a very important matter to be considered.

Mr. BURTON. Does the Senator from California mean whether it is to be used for lighting or some public utility in some of the cities around or whether it is for power used for factories?

Mr. WORKS. I mean whether it is developed for the purpose of sale to others.

Mr. BURTON. It is so developed.

Mr. WORKS. If that be so, Mr. President, every additional burden that is placed upon the development of the water power must be paid ultimately by the consumer. In determining what rate shall be paid—and those rates certainly must be fixed by the State, and not by the National Government—the amount necessarily paid out by the corporation must be taken into account in determining the rate to be paid. In other words, if $100,000 is exacted by the Government for the use of this privilege, that is a part of the amount necessarily invested by the corporation, and the consumers must pay, in the first instance, interest upon that charge. That is a direct interference with the right of the State to control the water rights, and that is just what the people out in the West desire to avoid. I do not know how it may be in other States; water may be cheaper elsewhere than it is in California; but in southern California the item of cost of water for irrigation is a very important one, and we are not willing to see a policy established that will compel our people to pay an additional amount for the use of the water.

Mr. BURTON. Mr. President, we can not afford to blind our eyes to the fact that there are two interests represented here. One is the Federal Government, which must at great cost improve, and has at great cost improved, this river. It must incur expense in the future. The consumer also has his rights; but those rights are subject to the paramount authority of the Federal Government to maintain navigation in that river. The Senator from California virtually says if there is a facility or natural resource to be utilized anywhere, the consumers or the persons in the locality must have the full benefit of it. I want to answer that a little further on. But is it true that this proposed charge falls on the consumer? Theoretically that may be so; but the charge would not materialize until the consumer had had every opportunity to secure his rights. Under what circumstances would this charge be made? This company would erect its works—its generating apparatus, its transmission lines, and so forth—and then would come the State of Connecticut and fix the price that the company shall charge to the consumers. After that is done and the plant is in operation, it would be the right of the Government to impose or not impose a charge, as conditions might warrant. In this connection the bill provides:

In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

It would come into operation as a check on exorbitant profits, not to be imposed until the rights of the consumer, the rights of the company, and the rights of the general public are fully protected.

Mr. WORKS. Mr. President, I think the Senator from Ohio is confusing the matter of the protection of navigation with the right to the use of the water itself, and the right on the part of the State to control that use. It may be——

Mr. BURTON. In due time I will come to that. Let me ask the Senator from California what rights do the States have? What right has the State of Connecticut in this case?

Mr. WORKS. I do not know anything about what the law may be in the State of Connecticut; I am not dealing with Connecticut, but with the State of California.

Mr. BURTON. In the State of the Senator from California water belongs to the State in a very different sense from what it does here.

Mr. WORKS. I do not know why it should be in any different sense.

Mr. BURTON. You do not have the same in regard to water in California, do you?

Mr. ROOT. You have a different system of laws there.

Mr. WORKS. Certainly; the system of laws is different, but the principle is precisely the same. The right to use the water belongs to the State in the first instance. Of course the old doctrine of riparian rights may exist, and probably does exist, in Connecticut. The riparian right exists in California, but, Mr. President, it is subject to the right of the State to fix the rates and control the amount of water that shall be taken out of the river. The objectionable feature of this measure is that the Government is interfering in such a way as to increase the amount necessary to be paid for the water. There is no escaping that fact. The Senator from Ohio may regard it as a merely nominal additional rate to be paid, but the exactions may be such as to increase the rate materially. Whether it does or not, however, the principle is precisely the same. The National Government is interfering with the right of the State to fix the rate and the right of the consumer to have the water at a reasonable rate, to be fixed in that way; and there is no escaping from it.

Mr. BURTON. But, Mr. President, the Federal Government is not interfering with the right of the State to fix the rate. Personally I think the time will come when there will have to be national supervision over these charges, similar to that exercised over railroads through the Interstate Commerce Commission; but I can not accept the idea that the different States are the pampered children of an indulgent parent and that in the case of a very valuable asset, such as this, States may appropriate it all for themselves, and that the Government must overcome the rapids, build locks and dams at enormous expense, and improve the navigation of a river when that improvement inures to the benefit of a particular locality and is demanded by that locality, and that such expenditure shall be without countervailing obligations on the other side.

Now, Mr. President, to resume my argument in regard to the reports of committees on this subject, I want to call the attention of the Senate to Senate bill 943 as reported with an amendment from the Committee on Commerce. It is an act to improve navigation on the Black Warrior River, in the State of Alabama. I read again the statement in the views of the minority on the pending bill. In answer to the statement in the majority report that—

> It appears to be a settled question that the Federal Government may impose a charge for the use of the surplus water not needed for navigation.

The minority report says:

> We, the minority, deny that this question has been settled, and we challenge the majority to point to a single law on the statute books, or to a report of a single committee in Congress, or to a single decision of the Supreme Court which tends to establish their contention.

The Black Warrior River is in the State of Alabama. The bill was reported by the Committee on Commerce. Let us see what the provisions of this bill are with reference to imposing a charge:

> SEC. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performance herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 50 years from the time fixed in this act for completion of the works herein authorized, electrical power stations—

And so forth. It is not necessary to read all of the act.

Mr. BANKHEAD. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Certainly.

Mr. BANKHEAD. The Senator can not fail to remember that when that bill went to conference it was distinctly stated on the floor of the Senate that, if the Senate would permit a report to be made, everything in the bill pertaining to power would be stricken out, and that the bill would come back to the Senate simply as a navigation proposition, and that that was done.

Mr. BURTON. It is a very singular thing for a committee of the Senate to go through the farce of bringing in a bill here with elaborate provisions, and approve it, with the idea that it is going to be meaningless and all stricken out. This is the form in which it was not only introduced in the Senate, but passed in the Senate, as I recall. Certainly it is a report of the Committee on Commerce.

Mr. BANKHEAD. I think if the Senator will examine the bill he will find those are House amendments. The RECORD so shows.

Mr. BURTON. Then it is a report of the Committee on Rivers and Harbors. It is possible I am in error in that regard, but I think not.

Mr. BANKHEAD. Yes; the Senator is in error.

Mr. BURTON. It is a report of the Committee on Rivers and Harbors?

Mr. BANKHEAD. One more moment, and then I will not interrupt the Senator any further, as the time will come, perhaps, when some of the rest of us will have an opportunity to discuss this question.

Mr. BURTON. I think some of you are discussing it now.

Mr. BANKHEAD. I do not want the Senate to be misled, because the Senate will remember, and the records will show, that every provision referred to by the Senator from Ohio was stricken out in conference.

Mr. BURTON. This bill passed, did it?

Mr. BANKHEAD. Yes, it passed, and it is in operation now simply as a navigation proposition, and the locks are almost complete.

Mr. BURTON. But this provision in regard to the leasing of power was not accepted.

Mr. BANKHEAD. That is not in the bill. We struck it out.

Mr. BURTON. Here is the report from the Committee on Rivers and Harbors of the House, or from the Committee on Commerce of the Senate:

> The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For a period of 20 years the rental shall be at the rate of $1 per annum per horsepower developed, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period.

Mr. BANKHEAD. That was all stricken out of the bill. There is nothing of that sort in it.

Mr. BURTON. However, it is at least an absolute contradiction of the statement in the minority report that no committee of Congress has recommended anything of this kind. I am coming to some cases that are altogether stronger than these, but I give these merely with reference to the reports of committees.

I want to call attention next to a number of statutes——

Mr. BANKHEAD. Wait a moment; I want to get the Senator right. That is not the report of a committee of the House. That amendment was offered on the floor of the House by Mr. HUMPHREYS of Mississippi, and after two or three days the bill passed and came over here with that provision in it, and it was stricken out.

Mr. BURTON. It does not look that way in the copy I have here.

Mr. BANKHEAD. I do not know how it looks; but if the Senator will take the RECORD he will find it.

Mr. BURTON. The whole bill was passed by the Senate in that form. The Senator is in error in regard to that.

Mr. BANKHEAD. No; I am not.

Mr. BURTON. It is marked here: "Passed the Senate July 24, 1911."

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. Certainly.

Mr. JONES. I will ask the Senator to read from the report of the committee his views with reference to the matter, because the fact that the bill passed the House would not indicate whether any part of it was put on upon the floor of the House, or put on in committee and reported by the committee. The report of the committee of the Senate will show what the views of the committee were.

Mr. BURTON. I have somewhere a copy of that report. It is possible that I can turn to it before I am through with my remarks.

I want to call attention next to a great variety of statutes on the subject. They are of three classes. The first class comprises dams constructed by acts of Congress where surplus water, not needed for navigation, has been leased for water-power purposes. In a report of the Sixty-second Congress, first session, Document No. 57, there are a number of these. I wish to invite attention to the first class.

The earliest act, perhaps, was in the year 1888, which allowed power in the Muskingum River to be used for private purposes. By that act the Secretary of War is authorized and empowered

to grant leases or licenses for the use of the water powers at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient. Under that statute, passed now nearly 25 years ago, the authority to make charges for surplus water power has ever since been exercised. An advertisement was made just a few days ago for a lease of the power in connection with one of the dams for a period of 22 years.

The second instance is that of the Green and Barren Rivers of Kentucky. That act was passed September 19, 1890. Under it the Secretary of War is authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient, with an added condition that the leases are not to extend beyond the period of 20 years.

Mr. President, I desire to have this document printed with my remarks, because it sets forth a large number of these instances.

The PRESIDING OFFICER. Without objection, it is so ordered.

The document referred to is as follows:

[Senate Document No. 57, Sixty-second Congress, first session.]

WATER-POWER PRIVILEGES.

Mr. BURTON presented the following memorandum from the Acting Chief of Engineers of the War Department relative to acts of Congress concerning power privileges at Government dams. June 29, 1911. Ordered to be printed.

Memorandum of acts of Congress concerning power privileges at Government dams.

Names of rivers.	Grantee.	Date of act.	Provisions of act.	By whom improvement made.
Muskingum, Ohio	General authorization	Aug. 11, 1888 (25 Stat., 417)	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient.	United States.
Green and Barren, Ky	do	Sept. 19, 1890 (26 Stat., 447)	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient, with added condition that leases are not to extend beyond the period of 20 years.	Do.
Cumberland, Tenn., at Lock No. 1.	do	June 13, 1902 (32 Stat., 408)	The Secretary of War authorized to grant leases or licenses for the use of the water power at such rate and on such conditions and for such periods of time as may seem to him expedient. (See also act of June 28, 1902.)	Do.
Tennessee River at Hales Bar.	City of Chattanooga or other private corporations.	Apr. 26, 1904 (33 Stat., 309)	Grantee to purchase necessary lands and deed same to United States, to construct lock and dam and give them to United States completed, free of all cost except expenses connected with preparation of plans, superintendence, cost of lock gates, etc., and to furnish United States free electric current for operating locks and for lighting. Grantee to have use of water power for 99 years.	Private.
Mississippi at Des Moines Rapids.	Keokuk & Hamilton Water Power Co.	Feb. 9, 1905 (33 Stat., 712)	Grantee to build a lock and dry dock and appurtenant works, and United States to have ownership of them. Grantee to provide suitable power plant for lighting and operating the lock, dry dock, and appurtenances, and to provide fishways.	Do.
Cumberland and tributaries.	Cumberland River Improvement Co.	Mar. 3, 1905 (33 Stat., 1132)	Right to collect tolls to cease at expiration of 40 years from date of completion of Lock and Dam No. 21, Cumberland River, and United States may then assume the possession, care, operation, maintenance, and management of the lock or locks constructed by the corporation but without in any way impairing the right or ownership of the water power and dams created by the corporation.	Do.
Coosa, Ala., at Lock No. 2	General authorization	May 9, 1906 (34 Stat., 183)	United States reserves right to control dams and pool level and to construct locks. Land for lock and approaches to be conveyed to United States free of charge, and United States to have free water power for building and operating locks. Fishways to be constructed.	Do.
White, Ark., at Lock No. 1	Batesville Power Co	June 28, 1906 (34 Stat., 536)	The Secretary of War authorized and directed to fix from time to time reasonable charges to be paid for use of power.	Do.
Coosa, Ala., at Lock No. 12	Alabama Power Co	Mar. 4, 1907 (34 Stat., 1288)	Dam to be built so that the United States may construct a lock in connection therewith. The grantee to have the right to use Government land necessary for the construction and maintenance of the dam and appurtenant works, to convey to the United States free of cost such suitable tract or tracts as may be selected by the Chief of Engineers and the Secretary of War for establishment of locks and approaches, and to furnish the necessary electric current to operate locks and for lighting grounds.	Do.
St. Marys, Mich	General authorization	Mar. 3, 1909 (35 Stat., 821)	Water power to be leased by the Secretary of War upon such terms and conditions as shall be best calculated, in his judgment, to insure the development thereof. A just and reasonable compensation to be paid for use.	United States.
Wabash, Ind., at Mount Carmel.	General authorization	Mar. 3, 1909 (35 Stat., 819)	Secretary of War authorized to grant leases or licenses for periods not exceeding 20 years at such rate and on such conditions as may seem to him just, equitable, and expedient.	Do.
Mississippi, from St. Paul to Minneapolis.	do	June 25, 1910 (36 Stat., 659)	A reasonable compensation for leases of water power shall be secured to the United States.	Do.
Coosa, Ala., at Lock No. 4	Ragland Water Power Co	Feb. 27, 1911 (36 Stat., 939)	The dam to be property of the United States free of charge. Grantee to have water-power rights for 50 years. United States to have right to construct a lock and to have free electric current for operating and lighting. Grantee to raise height of dam at Lock No. 4 and to stop leaks. Beginning in 1925, grantee shall pay to United States $1 per 10-hour horsepower, with an increase if natural flowage is increased by storage reservoirs.	Private.
Wabash, at Mount Carmel, Ill.	Mount Carmel Development Co.	Feb. 14, 1889 (25 Stat., 670) Feb. 12, 1901 (31 Stat., 785)	Withdrawal of water shall be under the direction and control of the Secretary of War.	United States.
Rock River near Sterling	Sterling Hydraulic Co.	Mar. 2, 1907 (34 Stat., 1103)	Secretary of War authorized to permit erection of a power station in connection with United States dam. Grantee to waive certain claims against United States.	Do.
White, Ark., above Lock No. 3.	J. A. Omberg, jr	June 29, 1906 (34 Stat., 628)	Grantee to purchase lands, construct lock and dam, and give them to the United States free of charge and furnish United States electric current to operate locks, light grounds, etc. Grantee to have use of water power for 99 years.	Private.

Mr. BURTON. Further on in this class are some very recent ones. The act of June 28, 1906, is one, in which a grant was made to the Batesville Power Co., at Lock No. 1, White River, Ark. In that act the Secretary of War is authorized and directed to fix from time to time reasonable charges to be paid for the use of power. Another is at Wabash, Ind., at Mount Carmel. That is a very old improvement. The first act in relation to that improvement was passed in 1889; another act was passed in 1901, and another in 1909. Under the last act the Secretary of War is authorized to grant leases or licenses for periods not exceeding 20 years, at such rate and on such conditions as may seem to him just, equitable, and expedient. So not only has this power been exercised in numerous cases, but the discretion to fix the charges has been left to the Secretary

of War. Still another case is that of the Rock River, near Sterling; also the White River, Ark., above Lock No. 3.

There is a second class in which it has been provided that where dams, or dams and locks, are to be constructed in the future by the Government, the water power created incidentally thereto shall be leased under the direction of the Secretary of War. There is a very considerable number of these cases. I call attention to the provision in the river and harbor act of 1909, providing for the improvement of the St. Marys River. I call attention also to a provision in the act of 1907, in regard to a survey of a 14-foot waterway by way of Chicago to the Mississippi River:

The Secretary of War may appoint a board of five members, to be composed of three members of the Mississippi River Commission.

It goes on to say what that board shall report upon:

First. What depth of channel is it practicable to produce between St. Louis and Cairo at low water by means of regulation works?
Second. What depth will obtain in such regulated channel at the average stage of water for the year?
Third. For what average number of days annually will 14 feet of water obtain in such regulated channel?

The fourth and fifth provisions are immaterial.

Sixth. And the said board shall also report upon any water power which may be created in the portion herein directed to be surveyed, as well as in the proposed waterway from St. Louis to Chicago heretofore surveyed, and the value thereof, and what means should be taken in order that the Government of the United States may conserve the same or receive adequate compensation therefor.

Here, in this survey of a proposed 14-foot waterway, one of the vital points upon which the board was to report was what means should be taken to conserve the water power and to secure adequate compensation therefor.

I wish to call attention to another provision of law under which this very project in the Connecticut River was surveyed. It is a general provision in the river and harbor act of 1909. It is found on page 9 of that act. I wish Senators to give especial attention to this provision, to show how useless it is to deny that this has been a substantial feature in the policy of the Federal Government.

In the portion relating to the general rule in regard to surveys, that act says:

Provided, That every report submitted to Congress in pursuance of this section, in addition to full information regarding the present and prospective commercial importance of the project covered by the report and the benefit to commerce likely to result from any proposed plan of improvement, shall contain also such data as it may be practicable to secure regarding (first) the establishment of terminal and transfer facilities—

That provision does not apply in this case, but I read it so as to give the whole paragraph—

(second) the development and utilization of water power for industrial and commercial purposes, and (third) such other subjects as may be properly connected with such project: *Provided further*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation and to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation.

Thus, Mr. President, the very survey under which this project was reported was authorized in a bill that demanded of the engineers that they should report upon possible compensation to the Government for its expenditure in the interest of navigation; and the engineers reported, stating that there should be compensation in this instance. They made that recommendation in view of the fact that for years this project had been pending, and it had not been thought best to expend the money unless the water power could be utilized and the compensation applied on the cost of the improvement. When at last the time came that the water power could be developed coordinately and contemporaneously with the improvement of navigation, then, and not until then, did the Government approve this proposed improvement.

A third class comprises acts of Congress granting permission to lessees to construct dams in navigable streams subject to various conditions. These conditions vary all the way from a requirement that the lessee shall build the dam at its own expense, but allow the Government at its expense to construct in connection therewith locks and other works in the interest of navigation—that is one extreme—to conditions requiring the lessee at its own expense to build the dam and all works necessary for the protection and promotion of navigation, and convey to the Federal Government all such works as may be necessary free of cost, together with a stipulation that power shall be furnished to the Federal Government for operating and lighting such works. In some of these grants the Federal Government has imposed an additional charge either stipulated in the act or to be imposed in the discretion of the Secretary of War.

There are a large number of these cases. They are also given in this document. I want to call attention, however, to a few of them. Perhaps the most important act—the one which blazed the way for this class of legislation—was that authorizing a corporation to build a dam and lock at Hales Bar, just below the city of Chattanooga. Under it the grantee was to purchase the necessary lands and deed the same to the United States; also to construct a lock and dam and give them to the United States when completed free of all cost, except expenses connected with the preparation of plans, superintendence, cost of lock gates, and so forth; and to furnish the United States free electric current for lighting and operating locks, the grantee to have the use of the water power for 99 years. That authority was granted something more than 8 years ago; and the condition, as I can recall myself, would have been extended to the construction of the lock gates and to the completed lock and dam, except for the fact that the then Chief of Engineers thought it best that the Government itself should make the plans for the lock gates, and purchase them. Under that provision the company has been going ahead; and while there have been unusual delays, due to high water and other causes, the construction, as I understand, is nearly completed.

Another case of the same kind is that of the Mississippi River at the Des Moines Rapids. There the grantee was required to build a lock and dry dock and appurtenant works, owership of them to be vested in the United States, the grantee to provide a suitable power plant for lighting and operating the lock, dry dock and appurtenances, and also to provide fishways.

The Cumberland River and tributaries is another case which I wish to cite. The Cumberland River Improvement Co., under an act of March 3, 1905, accepted a franchise under which the United States may assume the possession, care, operation, maintenance, and management of the lock or locks constructed by the corporation, but without in any way impairing the right or ownership of the water power and dams created by the corporation. There the conditions were a little less severe.

Then there is one in the Coosa River, Ala., at Lock 4, which certainly must have been consented to by the Senator from Alabama. In that case the dam was to be the property of the United States, free of charge; the grantee to have water-power rights for 50 years; the United States to have the right to construct a lock, and to have free electric current for operating and lighting; the grantee to raise the height of the dam and to stop leaks. Beginning in 1925, the grantee is required to pay to the United States $1 per 10-hour horsepower per year, with an increase if the natural flowage is increased by storage reservoirs.

Why, along through a stretch of years, through numerous river and harbor acts and other acts independent of river and harbor legislation, this principle of imposing conditions or imposing charges has been followed by the Federal Government, and there has been no question raised upon it in any court, so far as I know, to this day. The Muskingum River, the Green River, the Barren River, the Cumberland, the Coosa, the Tennessee, the great Mississippi itself, all have structures in which this rule has been followed.

Let me repeat again briefly, is there any difference between a condition which imposes upon the company the enormous expense of building the structures, building the cofferdams, and taking all the risks and uncertainties of the enterprise and one which provides in effect that when they are completed, after making due allowance for profits, for deterioration, and for the charges to consumers which are controlled by the State, the Government may, if there is a profit, impose certain charges for the improvement of the river in which that structure is located? The imposition of charges and the conditions requiring locks and dams to be constructed both rest on precisely the same principle, the fact that the Government, having the paramount right there, being responsible for providing navigation, may foster that navigation by any proper means of this nature.

Mr. THOMAS. May I ask the Senator a question?

Mr. BURTON. Certainly.

Mr. THOMAS. Suppose that instead of making a contract under the law now contemplated, the Government should assume to utilize the surplus power by constructing a power plant of its own and then selling power to consumers; could it do that?

Mr. BURTON. It might under some circumstances. Suppose it has provided an electrical plant at a lock and has a surplus of power to dispose of.

Mr. THOMAS. The Senator thinks the Government could do that?

Mr. BURTON. It would not naturally do it, because then it would be engaging in a line of business. But the surplus power belongs to the State or to the Government which creates the

main work. That is exactly what they are doing in these cases of the Muskingum and the Barren and other rivers. At Sault Ste. Marie it is provided that when that improvement is made——

Mr. THOMAS. The United States Government is constructing a plant of its own for the purpose of manufacturing or generating current and selling it.

Mr. BURTON. That is a question of policy, whether it will do it or not.

Mr. THOMAS. Simply a question of policy? Then let me ask whether the State would have any authority whatever to impose limitations upon the charges that the Government could make?

Mr. BURTON. That is a novel question. I am frank to say I had not thought of it before. I question whether it could. That is an ingenious question, I may say, and such a one as I anticipated the Senator was going to ask when he rose—whether the charges for power, which in the case of private corporations are fixed and uniform, could be imposed or compelled if the United States furnished the power. I am inclined to think they could not, but I do not feel quite ready to answer that question. At any rate, it does not arise in any case we have.

Mr. THOMAS. No; but we are considering the extent to which a given power may go if it exists at all. If the State has no power whatever, or only a limited power, if you please, to impose conditions upon the cost or charge of the General Government to the consumer and yet can impose those conditions upon all private concerns engaged in competition with it, may not the Government, by virtue of its freedom from all of those limitations, practically control the market first by underselling and afterwards by charging what the traffic will bear?

Mr. BURTON. In those things we have to rely ultimately on the wisdom of Congress. It is the thought of many that Congress does foolish things, but it is not probable that any situation would ever be created where any friction of that kind or any such troublesome question could exist. But the charge for transformed power created by the dam is the same in principle as the charge for the power that flows by the dam. We are now charging for the use of surplus water and fixing the rates. When that is transmuted into hydroelectrical power it would seem that the same principle would apply.

It is maintained—and a great deal of stress is laid upon this in the minority report—that something is confiscated by this act which belongs to the States. I think I can show the utter fallacy of that idea, Mr. President.

In the first place, I want to call attention to the difference between the laws of the older States and the laws of the newer or mountain States. We have certain rules and regulations, established by the courts and by statutes, in the Eastern States. The riparian owner has certain rights. The right of a riparian owner in the flow of the water is that he is entitled to have the stream remain in place and flow as nature directs, and to make such use of the flowing water as he can make without materially interfering with the equal rights of the owners above and below him on the stream. The boundaries of riparian lands are fixed according to three different rules. In some States, and Connecticut is one of them, the riparian owns to the high-water mark. In other States he owns to the low-water mark. In others, still, he owns to the center or thread of the stream. In the far Western States, however, the water belongs to the State or to the public, and is under its control.

In the State of Oregon, as I understand the law of prior appropriation which prevails in that State, the State may grant the privilege to a person who wishes to use water for a recognized beneficial purpose to go right in front of a man's farm and, upon payment of the proper compensation, put in his dam and equipment for the use or diversion of the water. When that is done the use of the water belongs to him under grant from the State. He is not compelled to recognize any riparian right—certainly none in the flow of the water.

It will appear from this that there is a very wide difference between these States and the State of Connecticut, in which no such rights are involved. I should be less than frank if I should not say to the Senate that I also believe in proper restrictions and conditions in case of Federal grants in the Western States; that is, where navigable streams or public lands are involved. But the two cases are very widely distinct.

What is the law in Connecticut? The State is said to own the bed of the stream. The riparian owner has certain rights. He can build out to the high-water mark, and he has the right of access to the stream, for his stock to drink, say. He can build out a wharf into the stream, so that he may utilize navigation facilities. Then, above all, is the paramount right of the Federal Government in the exercise of control over navigation.

What is confiscated here? First, the State of Connecticut by a grant to this company in 1824, confirmed in 1909, and by intermediate acts gave its rights to the grantee company, the Connecticut River Co. Those rights, in their most exaggerated form, are shadowy in their nature. What does the ownership of the bed of the stream mean to the State? It does not mean that you can authorize a person to go out there and build a blacksmith shop. It does not mean that you can authorize a construction out there as could a private owner on his own land. Indeed, in the very State of Connecticut the right of removing gravel from the bed of a stream by the State or under its authority without compensation to the riparian owner was denied.

In the bridge case to which I briefly referred in replying to a question of the Senator from Iowa, a railroad company desired to build a bridge from the mainland of New Jersey to Staten Island. The State of New Jersey came in and said: "We own the bed of that stream. We have passed a statute that no bridges shall be built across the Kill von Kull." The corporation, which was a private company, had been granted the right to build a bridge by the Federal Government. Justice Bradley—this is not a decision of the Supreme Court, but it is a decision by him on a circuit—decided that the right of the Federal Government was paramount; that the State of New Jersey could not stand in the way of the construction of that bridge. He decided, further, that the State of New Jersey owned the land under the river for the public; that it had no other ownership of it, and hence the railroad company could build its piers on the submerged land which nominally belonged to the State of New Jersey without asking leave. The builders of the bridge were not compelled to condemn the land in the bed of the stream. So, when we say the bed of the stream belongs to a State, what do we mean by it? We do not mean that it has a fee-simple title. We do not mean that it can be alienated or parceled out. We mean that the State owns it as a trust for the public use; not merely for the use of the State, but for all such uses as may be considered public in their nature.

This right, whatever it may be, of the State is not taken way from it by this bill. It did not amount to much, anyway; and what the State did have it has granted to this company under the charter authorizing it to improve the Connecticut River.

The riparian owner has cerain interests there. How about him? The bill provides with the most sedulous care that every right of the riparian owner—flowage, occupancy, everything—shall be acquired by this company before it can go ahead. It is made an absolute condition that they shall acquire all the abutting or riparian property, and this company is the riparian owner of a large share of it already. So there is not any confiscation there.

Now comes the Federal Government and says: "The Connecticut is a navigable stream. There are great communities above there awaiting to have access to the water that would become shippers of freight on a very large scale. We want that river improved. We do not think it is worth while to improve it independently as a problem of navigation; but if there can be proper compensation, not to the United States"—do not indulge in that delusion—"but to the public, it may be done." Everything that is done for navigation, whether it be the building of a dam or a lock or whatever it may be, or whether it be an amount paid annually in the way of a toll, is for the benefit of the public, for which the United States Government is a trustee. The Government says we will give this permission, provided certain things are done. For what? For the right to use the surplus water? Any right in the bed is gone; the right of the riparian owner is gone; the right of navigation remains. And that right of navigation is the paramount right. Flowing water is not tangible property; it is as free as the light of the sun or the air, you may say. Some talk about proprietary rights in the water power. What property is there in the form of water power until the dam is constructed and the appurtenant works are made? The water has been flowing down the Connecticut River ever since the days of Indian occupation, when the white settlers first went there, 280 years ago, practically unused. Are you going to stop progress? Are you going to stop the utilization of this water power? No; when that dam and that lock are constructed, then property is created. It is the utilization of that which has been running to waste from the very beginning of time.

Mr. NELSON. Who owns that property? Is it the United States or the company?

Mr. BURTON. Which property?

Mr. NELSON. Who creates that property when the dam on the Connecticut River is built? Whose property is that dam when it is built and ready for use?

Mr. BURTON. The bill states, in lines 22, 23, and 24, on page 4, after providing for the size of lock, and so forth:

And when the said lock and appurtenances shall have been completed the said corporation shall convey the same—

The lock belongs to the Government and the dam to the company—

And when the said lock and appurtenances shall have been completed the said corporation shall convey the same to the United States free of cost—

And so forth.

Mr. NELSON. Exactly. Those are the appurtenances of navigation. That is the property in the lock and gates, but the balance of the property, the dam and the dam power and the machinery and everything, belong to the company.

Now, I want to put one question to the Senator from Ohio, and I should like to hear him discuss it. Would not the effect of this legislation, if it was applied in every instance, be to put the control of every dam and water power under the War Department of the Government and absolutely divest the power of the States altogether?

Mr. BURTON. So far as any dams or locks have been built for the benefit of navigation, they are under the control of the War Department now.

Mr. NELSON. But I mean the water power created in the dam. I do not refer to the locks and gates; I mean the water power created by dams of this kind. Would not the effect of this principle be to put all the water power and the control of it and the compensation it shall pay all over the land under the Secretary of War, and give him the power to sell it and the power to regulate it and to say what should be paid for the use of that power by the company constructing the dam?

Mr. BURTON. Not necessarily so. There are many water powers, probably a majority that would not come under his control. I think much the greater portion of potential water power of the country would not come under the jurisdiction of the Secretary of War at all, because it will be developed in nonnavigable streams.

It is possible that there would be a qualified control over a portion of it by another Cabinet officer, the Secretary of the Interior, but I will come to that point later. We must have a degree of uniformity. The action of the Secretary of War, the action of the Secretary of the Interior, or any other Cabinet or executive officer is constantly under the control of Congress. If there is any danger of exaction or oppression or if his power is not properly applied, Congress at any session can absolutely change the law or take it away entirely.

Mr. NELSON. Will the Senator allow me a question right there?

Mr. BURTON. Certainly.

Mr. NELSON. Because of the fact that the Secretary of War is under the control of Congress, ought either Congress or the Secretary of War to destroy the rights of the States in this question?

Mr. BURTON. There is no right of the State to be destroyed in this case. The State organized this corporation and granted it such rights in the stream as it had power to grant. At considerable length I have shown what rights the States have in the beds of streams. This company must acquire the right of riparian proprietors. When you eliminate those rights there remains the right of navigation. I also tried to show that the property did not exist until you construct these works.

Mr. NELSON. Will the Senator allow me a question? In whom was this right to the water of the Connecticut River while Connecticut was a Colony, before it became one of the States of the Union? To whom did it belong?

Mr. BURTON. The right to its beneficial use belonged, I suppose, to King Charles the First, King Charles the Second, and later Kings of England.

Mr. NELSON. I mean before the Constitution of the United States was adopted or the independence of the Colonies?

Mr. BURTON. There were so many different situations that I do not like to express an opinion upon them, but I presume the Colony had rights similar to those now in the State.

Mr. NELSON. Now, will the Senator answer this question? Is it not true that that stream and the water in it was either the property of the State of Connecticut or of the riparian owner, or both combined, and that the Constitution of the United States gave the Federal Government only the right in that stream to the extent of navigation, and for no other purpose?

Mr. BURTON. It is a right, however, that was paramount and superior to all others, and to which the right to the bed of the stream and the riparian ownership, both of which have been acquired by the company which is the proposed licensee under this bill, are subordinate. A decision was rendered recently by the Supreme Court of Connecticut to the effect that where the course of a channel was modified, bringing it nearer to the shore and thereby interfering with an oyster bed, that, the change having been made under the authority of the Secretary of War and the Chief of Engineers, the party had no redress. That does not seem to show that the State of Connecticut has any right or desire to come in here with a complaint about the use of its waters by the Federal Government. On the contrary, probably every Senator here has received letters or telegrams from that locality most earnestly urging him to support this bill, even with such infirmities as it may have.

I shall now pass to another branch of the subject. The right to use the surplus water for power rests upon the fact that the development of power is an incident to the development of navigation. Every consideration of public policy demands that the two, power and navigation, should be developed together. An improvement which might not be profitable for navigation alone or for power alone can be made profitable if the two are combined. For the growth of the country it is essential that the two shall go together, and in the language of Judge Shiras, in his decision in One hundred and seventy-second United States, in such a situation "there can be no divided empire." Let us recognize the impossibility of having a divided ownership and control. Just as the Federal Government has the paramount jurisdiction over a river for purposes of navigation it has the paramount control over a lock and a dam in a navigable stream where it is erected for the sake of navigation.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Certainly.

Mr. O'GORMAN. The Senator from Ohio just referred to an opinion by Mr. Justice Shiras, reported in One hundred and seventy-second United States Reports. I ask the Senator whether he is referring to the case of the Green Bay Co. *v.* the Patten Paper Co.?

Mr. BURTON. Yes; that is the case.

Mr. O'GORMAN. The Senator, of course, is quite aware that in that case the commerce clause of the Constitution was not under consideration. The rights asserted by the Government were based upon a grant and did not grow out of the constitutional provision.

Mr. BURTON. The Senator is in error about that. At any rate the principle——

Mr. O'GORMAN. I state it as a fact which can be confirmed by the decision itself.

Mr. BURTON. Let me read from the beginning the fundamental facts at issue. This case was first before the Supreme Court in One hundred and forty-second United States and again in One hundred and seventy-second United States. The commerce clause was involved. To go back to the very beginning I must refer to an act of Congress of 1846. I am reading from volume 142, United States Reports. Perhaps I am anticipating my argument a little, but I think I can now answer the Senator from New York. This is found in volume 142, United States Reports, page 255:

By an act approved August 8, 1846 (9 Stat., 83, c. 170), Congress granted certain lands to the State of Wisconsin upon its admission into the Union—

What for?

for the purpose of improving the navigation of the Fox and Wisconsin Rivers, the former of which is one of the navigable rivers of the State, having an average flow of 150,000 cubic feet per minute.

At a later time, subsequent to the decision in volume 142, a decision was reported in volume 172, after this property had been acquired by the Federal Government from the State of Wisconsin under an act of Congress. Now, what is the basis for the action of the Federal Government in the premises? In the first place, under the Constitution Congress would have control over interstate and foreign commerce. It has control in that connection over the agencies which facilitate commerce, which make possible intercourse between the States by the movement of freight. In that development it may create agencies for traffic, for carrying freight from localities in one State to those in another.

The next point is that in furtherance of this policy it has engaged on a large scale in the improvement of rivers for navigation. In some cases the rivers flow through a level country, and in others through a broken or mountainous country. In the latter case slack-water navigation is necessary, which can be obtained only by the construction of locks and dams. In these cases water power is incidentally created. In one case there is a river that flows through a perfectly level country which can be improved with the utmost ease at a trivial expense; then in another section of the country there is a stream flowing through a mountainous area with a great descent between its

source and its mouth. The second class of rivers possess potential water power. Is it fair to the Federal Government and the people of the United States to put those two cases on just the same footing, to expend millions in one case against tens of thousands in the other, when connected with this expenditure of millions it is possible to create power which is of inestimable value?

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Yes; but I prefer to proceed with my argument for a little time.

Mr. O'GORMAN. I have no desire to interrupt, except that it might be desirable to have the fact accurately stated as to whether the commerce clause of the Constitution was involved in the case in question or whether the controversy grew out of a grant, as I asserted. I repeat, by reference to the decision which I hold in my hand, there is no single allusion to the constitutional provision, but, on the contrary, the opinion distinctly states that the controversy grew out of the grant, as it appears on page 62 of the One hundred and seventy-second Supreme Court Reports, as follows:

By an act approved March 23, 1871, by the Legislature of Wisconsin the directors of the Green Bay & Mississippi Canal Co. were authorized to sell and dispose of the rights and property of said company to the United States, and to cause to be made and executed all papers and writings necessary thereto as contemplated in the act of Congress.

And the subsequent controversy grew out of the rights secured by that grant; and not in the remotest way was the commerce clause of the Constitution involved in that case.

Mr. BURTON. May I ask the Senator from New York a *question*?

Mr. O'GORMAN. With pleasure.

Mr. BURTON. How can you authorize a dam in a navigable stream or legislate concerning a dam in a navigable stream without involving the interstate-commerce power under the Constitution?

Mr. O'GORMAN. I am asserting with respect to this particular case that that question was not involved.

Mr. BURTON. But how can you get rid of it?

Mr. O'GORMAN. The Senator cited the case, and I am calling his attention to the fact that the Supreme Court at no time in the case alluded to the commerce clause of the Constitution.

Mr. BURTON. That makes no difference; they took that for granted. What right would the Government of the United States have to improve a stream except for the purposes of navigation?

Mr. O'GORMAN. By a right which is contended for by the minority, or, rather, what appears to be now the majority of the Senator's own committee, namely, the Legislature of the State of Wisconsin, acting in its sovereign right, authorized a sale by one of its corporations of this franchise to the Federal Government, and among the rights secured by the franchise given by the State was the right to erect dams in one of the rivers of the State.

Mr. BURTON. For what purpose—for navigation?

Mr. O'GORMAN. Undoubtedly.

Mr. BURTON. How can you avoid the jurisdiction which belongs to Congress? Does the Senator from New York maintain for a minute that the Government of the United States could purchase rights along a waterway merely for the sake of the water power? What did all this transaction mean? Was the Government doing a vain thing?

Mr. O'GORMAN. I am glad to have the Senator from Ohio make the concession now that the Government has no right to engage in the purchase and sale and traffic of water power.

Mr. BURTON. As an independent proposition it does not have the power.

Mr. O'GORMAN. I assume that in the pending bill which the Senator is advocating the contrary principle is attempted to be recognized.

Mr. BURTON. Oh, not by any means. If you read the bill you can come to no other conclusion than that the object is navigation. The other is coordinate with it and incidental to it. There is no doubt of that.

The position taken by the Senator from New York would lead to this, that in a case in which there was a grant of land, a contract, as it were, made with the newly admitted State of Wisconsin for the express purpose of facilitating navigation, when statutes were passed for the development of navigation, when permission was given to build dams to facilitate navigation, when after the State had failed in its control and it was turned over to the Federal Government and the Federal Government appropriated millions for its improvement for purposes of navigation, the interstate clause of the Constitution was not involved at all. Certainly whether the court mentioned the fact or not they took it as elementary. It is not necessary to state, when you are dealing with a navigation problem, "We base our powers on the interstate-commerce clause." It was too well understood by everyone who was connected with it for that to be done. Based upon the commerce clause are, first, the control over interstate commerce; second, the right to provide the agencies for interstate commerce; and, third, in providing those agencies, the improvement of navigable streams, which has been done on a large scale. The Federal Government has a right to utilize those waters which it controls for the purposes of navigation in such a way as to subserve the public interest. The right to dispose of the surplus water for power purposes has been repeatedly maintained by decisions of the Federal and State courts. (See Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal, 142 U. S., p. 254.)

I fear the Senate is possibly a little weary, and I will not read at great length from these cases, as I had intended to.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Certainly.

Mr. O'GORMAN. Just for a brief interruption by way of elucidating perhaps the principle involved in this controversy. In the Kaukauna Co. *v.* Green Bay (142 U. S.), just referred to by the Senator from Ohio, the commerce clause of the Constitution was not involved. That case involved a dispute between the State of Wisconsin and the riparian owner, and the rights which the court recognized in the State of Wisconsin have been regarded by some as indicating the rights that ought to be vested in the Federal Government, while the rights recognized in the State of Wisconsin were rights pertinent to the sovereignty of the State.

Mr. BURTON. It is expressly stated in this case that the State of Wisconsin could not authorize the appropriation of money for the creation of water power. They had no stronger rights than the United States in the improvement. A certain amount of fog sometimes arises in a study of this case because of its close association with the transactions of the State, but it is decided not on the particular circumstances but on the general facts. If the Senator from New York will allow me, and the Senate will bear with me, I want to read from the decision in this case somewhat at length.

It has been suggested, Mr. President, that the Senator from California [Mr. PERKINS] desires to call up the fortifications appropriation bill, and with the consent of the Senate I will suspend my argument. But I should like to ask if any notice has been given for to-morrow.

The PRESIDING OFFICER (Mr. KENYON in the chair). The Senator from Kentucky [Mr. PAYNTER] has given notice that he would address the Senate to-morrow on Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases.

Mr. BURTON. Then, on the conclusion of the remarks of the Senator from Kentucky, I will again address the Senate.

Mr. CLARK of Wyoming. Will the Senator from California yield to me just a moment?

Mr. PERKINS. Certainly.

Mr. CLARK of Wyoming. I made an inquiry near the beginning of the remarks of the Senator from Ohio as to whether he knew of an agreement that had been arrived at between the Secretary of War and the Connecticut River Co. with reference to the subject matter of this bill. The reply was that he knew of none. I am definitely informed that such an agreement has been arrived at; that the terms of the agreement have been discussed and have been agreed to; and that the division of the profits arising from this water power as between the company and the Government of the United States has been settled upon.

I send to the Secretary's desk a resolution upon this subject seeking for information, for which resolution I ask immediate consideration in order that we may have the proposed contract, if such a contract exists, to consider in connection with the bill.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 450) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be directed to furnish to the Senate a copy of the contract or agreement proposed to be entered into by and with the Connecticut River Co. with reference to a dam across the Connecticut River, and the generation of power in connection therewith, as contemplated under the proposed terms of S. 8033, being a bill now pending in the Senate of the United States entitled "A bill to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut."

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 28186, known as the fortifications appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28186) mak-

ing appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with an amendment.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendment of the committee be acted upon when it is reached.

The PRESIDENT pro tempore. The Senator from California asks that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendment. Is there objection? Without objection, it is so ordered.

The Secretary proceeded to read the bill.

The amendment of the committee was, on page 2, after line 12, to insert:

Hereafter estimates shall not be submitted to Congress for appropriations for construction of gun and mortar batteries, modernizing older emplacements, and other construction under the Engineer Department, in connection with fortifications, until after plans and estimates of cost shall have been prepared therefor.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MISSOURI RIVER BRIDGE IN NORTH DAKOTA.

The bill (H. R. 27879) providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota, was read twice by its title.

Mr. NELSON. I ask unanimous consent for the present consideration of that bill. It is identical with a Senate bill which has already been passed.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. SMOOT. The Senator from Minnesota desires that it shall be passed in lieu of a similar Senate bill?

Mr. NELSON. I do. If the House bill shall pass, I shall move the indefinite postponement of the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I enter a motion to reconsider the vote by which the bill (S. 7855) to authorize the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota, was passed, and I ask that the Secretary be directed to request the return of the bill from the House of Representatives.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 6, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 5, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, stir the divinity within us that it may dominate our lives and bring us into a closer relationship with Thee and our fellow men in the furtherance of every good work, that our names may be written in the Book of Life and our souls filled with the peace which passeth understanding. In Jesus Christ our Lord. Amen

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. FITZGERALD. I move to dispense with the business in order under the rule to-day.

The SPEAKER. The gentleman from New York moves to dispense with the business of Calendar Wednesday to-day; and on that motion each side has five minutes under the rule.

Mr. MANN. I make the point of order that there is no quorum present.

Mr. FITZGERALD. I move a call of the House.

The SPEAKER. Evidently there is no quorum present. The gentleman from New York [Mr. FITZGERALD] moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken, S. C.	Goldfogle	Lawrence	Riordan
Ainey	Goodwin, Ark.	Levy	Roberts, Nev.
Ames	Green, Iowa	Lindsay	Scully
Andrus	Greene, Mass.	Littleton	Simmons
Ansberry	Gudger	Longworth	Smith, N. Y.
Barchfeld	Guernsey	McCall	Stack
Boehne	Hamill	Madden	Stanley
Bradley	Hammond	Maher	Stedman
Broussard	Harris	Martin, Colo.	Stevens, Minn.
Burgess	Harrison, N. Y.	Matthews	Taylor, Ala.
Brynes, S. C.	Hart	Merritt	Taylor, Ohio.
Callaway	Hartman	Moon, Pa.	Tilson
Conry	Haugen	Moore, Tex.	Townsend
Cravens	Hay	Morgan, Okla.	Turnbull
Davidson	Helgesen	Olmsted	Tuttle
De Forest	Higgins	O'Shaunessy	Volstead
Dickson, Miss.	Hinds	Palmer	Vreeland
Doremus	James	Peters	Warburton
Driscoll, D. A.	Kennedy	Porter	Weeks
Finley	Kindred	Pujo	Whitacre
Fornes	Kitchin	Rainey	Wilder
Gardner, N. J.	Konig	Randell, Tex.	Wilson, Ill.
George	Korbly	Ransdell, La.	Wilson, N. Y.
Gill	Lafean	Reyburn	Wood, N. J.
Glass	Lafferty	Richardson	

The SPEAKER. On this call 286 Members have answered to their names.

Mr. FITZGERALD and Mr. MANN moved to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from New York is entitled to five minutes on his motion to dispense with Calendar Wednesday.

Mr. FITZGERALD. Mr. Speaker, I made the motion to dispense with Calendar Wednesday because of the condition of the public business awaiting to be disposed of by the House. There are still to be considered seven appropriation bills—the agricultural, diplomatic and consular, Military Academy, naval, pension, sundry civil, and general deficiency.

In addition to that, the District of Columbia appropriation bill is now under consideration. From now until the 3d of March, inclusive, there are 27 days, and 4 of those days are Sundays. There are two Wednesdays—to-day and the next Wednesday. Next Wednesday is set aside by order of the two Houses for the count of the electoral votes. There are four Fridays. Thus far the House by its vote has refused to set aside special business in order on Friday and consider general public business. There are some bills of such a peculiar character that, in my opinion, the House when put in the position of choosing between appropriation bills and that business is likely to refuse to consider appropriation bills.

There are two Mondays upon which business is in order from the District Committee, and I assume that at least one day, or a part of a day, will be required by that committee. There are two Mondays set aside for business on the Unanimous Consent Calendar.

So that, even if the four Fridays set aside for business on the Private Calendar be devoted to appropriation bills, there remain but 16 days until the 3d of March which are available for public business.

It must be remembered that not only must the appropriation bills be passed within 16 days, but they must be sent to the Senate in time to enable the Senate to consider them. Moreover, conference reports will take up considerable time during the remaining days. Unless the House desires some of these appropriation bills to fail and to go over into the special session of Congress, it is necessary to set aside these days for particular classes of business in order that the public business may be transacted.

Mr. MANN. Did the gentleman from New York take into consideration the fact that Saturday, the 15th of this month, the House will be invited to participate in the memorial to the late Vice President, Mr. Sherman?

Mr. FITZGERALD. I had that on the list. Mr. Speaker, the 15th of February has been set aside by general order for memorial services on the life and character of the late Vice President of the United States, and the House is invited and I assume will attend the ceremony in the Senate.

Mr. Speaker, it is rarely that any of these appropriation bills can be passed in two days. Neither the agricultural bill, the naval, nor the sundry civil bill can be passed inside of four or five days, driving 12 and 14 hours a day. The responsibility for

the failure to transact this business must not be placed on any individual, or on any single committee, or any number of committees of the House. The appropriation bills are awaiting consideration on the calendar. Those not reported will be in shape when reached. I am asking the House to devote its time to the public business, and I shall ask the House to assume the responsibility either to proceed with the public business or to refuse to do so by taking up other business.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HEFLIN. Mr. Speaker, I rise for the purpose of opposing the motion of the gentleman from New York, and I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in the minority I am quite willing that the majority should control the business of the House, but I want to suggest that to sacrifice Calendar Wednesday, if the good intentions of the House become good intentions, will be in vain. We can get through in this House with the business providing the majority want to make the appropriations. If you want to make them in the next Congress, well and good; it is up to you. I am not in favor of sacrificing Calendar Wednesday to-day, and I want to say to you of the majority and to you of the minority that if we continue to waste the time of the House on unimportant matters—eating up time, burning time—the appropriations will not be made. [Applause.] It requires the presence of a quorum in the Committee of the Whole House and real attention to business instead of having a baker's dozen here to take up time in getting a quorum and in calling the rolls.

I do not charge you of the majority with anything like that, but I believe Calendar Wednesday, at least for this day, as it is probably the last one that we will have, should be devoted to business that is in order on Calendar Wednesday. [Applause.]

Mr. HEFLIN. Mr. Speaker, I realize that there is a great deal to be accomplished by this House between now and the 4th of March. We must soon have night sessions in order to get through with the business of the House. The committee of which I am chairman is next on the calendar. We have two very important measures to be considered by this House. They ought to be considered. A year ago Congress passed a resolution authorizing the President to invite the nations of the earth to join with us in the celebration of the completion of the Panama Canal. Twenty-five nations have accepted that invitation and have notified the State Department that they propose to participate in it. Many of them, I am informed, are ready now to begin the construction of buildings and the placing of exhibits there. They want a Government commission to deal with. The Government commission provided for in this bill is seven in number, the smallest ever provided for in any international exposition, and they are to be paid for by the Panama-*Pacific International* Exposition Co., just as New Orleans proposed to pay for them. That part of the bill is fashioned after the New Orleans bill. That involves no expense on the part of the Government. The Government of Japan, I am informed, has already appropriated $1,000,000 for her exhibit at this great celebration, and other nations will have exhibits, and the Government of the United States must participate in it. She has invited these people to come as nations to this great celebration. The question for the House to determine is whether we will have an exhibit at that place and have a commission to represent the dignity and honor of this, the greatest Government on the globe. [Applause.]

Mr. Speaker, I hope that the gentleman's motion will be voted down, and that this Calendar Wednesday, set apart for the business of the people of this Government, will be scrupulously observed. [Applause.]

The SPEAKER. The question is on dispensing with Calendar Wednesday for to-day.

The question was taken; and, on a division, at the suggestion of the Speaker, there were—ayes 85, noes 146.

Mr. FITZGERALD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 182, answered "present" 6, not voting 91, as follows:

YEAS—103.

Adair	Callaway	Edwards	Garrett
Aiken, S. C.	Candler	Ellerbe	Gillett
Alexander	Cline	Faison	Godwin, N. C.
Ayres	Cox	Ferris	Gregg, Pa.
Bartlett	Curley	Fitzgerald	Gregg, Tex.
Bathrick	Daugherty	Flood, Va.	Hamlin
Booher	Dickinson	Floyd, Ark.	Hardwick
Borland	Dies	Foster	Hardy
Burleson	Dixon, Ind.	Gardner, Mass.	Harrison, Miss.
Byrns, Tenn.	Doughton	Garner	Helm
Henry, Conn.	Macon	Redfield	Smith, Tex.
Hensley	Maguire, Nebr.	Reilly	Stephens, Miss.
Houston	Mann	Roddenbery	Stephens, Nebr.
Howard	Mays	Rouse	Stephens, Tex.
Hull	Moon, Tenn.	Rucker, Mo.	Talbott, Md.
Humphreys, Miss.	Morrison	Russell	Taylor, Ark.
Jacoway	Morse, Wis.	Sabath	Taylor, Colo.
Johnson, S. C.	Moss, Ind.	Saunders	Thomas
Jones	Norris	Shackleford	Tribble
Kendall	Oldfield	Sharp	Webb
Kinkead, N. J.	Padgett	Sherley	Whitacre
Lamb	Page	Sherwood	White
Langham	Patten, N. Y.	Sims	Willis
Lever	Pepper	Sisson	Witherspoon.
Lewis	Pou	Slayden	Young, Tex.
Lloyd	Prouty	Small	

NAYS—182.

Akin, N. Y.	Denver	Hughes, W. Va.	Patton, Pa.
Allen	Difenderfer	Humphrey, Wash.	Payne
Anderson	Dodds	Jackson	Pickett
Anthony	Donohoe	James	Plumley
Ashbrook	Draper	Johnson, Ky.	Post
Austin	Driscoll, M. E.	Kahn	Powers
Barnhart	Dupré	Kennedy	Pray
Bartholdt	Dwight	Kent	Prince
Bates	Dyer	Kinkaid, Nebr.	Raker
Beall, Tex.	Esch	Knowland	Rees
Bell, Ga.	Estopinal	Konop	Roberts, Mass.
Berger	Fairchild	Kopp	Rodenberg
Blackmon	Farr	La Follette	Rothermel
Brown	Fergusson	Langley	Rubey
Buchanan	Fields	Lee, Ga.	Rucker, Colo.
Bulkley	Focht	Lee, Pa.	Scott
Burke, Pa.	Foss	Lenroot	Sells
Burke, S. Dak.	Fowler	Lindbergh	Simmons
Burke, Wis.	Francis	Linthicum	Slemp
Burnett	French	Littlepage	Sloan
Butler	Fuller	Lobeck	Smith, J. M. C.
Calder	Gallagher	Loud	Smith, Saml. W.
Campbell	Goeke	McCoy	Steenerson
Cannon	Good	McDermott	Stephens, Cal.
Cantrill	Goodwin, Ark.	McGillicuddy	Sterling
Carlin	Gould	McGuire, Okla.	Stone
Carter	Graham	McKellar	Sulloway
Cary	Gray	McKenzie	Sweet
Clark, Fla.	Greene, Mass.	McKinley	Switzer
Claypool	Greene, Vt.	McKinney	Taggart
Clayton	Griest	McLaughlin	Talcott, N. Y.
Collier	Hamilton, Mich.	McMorran	Thayer
Cooper	Hamilton, W. Va.	Martin, S. Dak.	Towner
Copley	Haugen	Miller	Townsend
Covington	Hawley	Mondell	Underhill
Crago	Hayden	Moon, Pa.	Underwood
Crumpacker	Hayes	Moore, Pa.	Vare
Cullop	Heald	Morgan, La.	Volstead
Currier	Heflin	Morgan, Okla.	Watkins
Curry	Helgesen	Mott	Weeks
Dalzell	Henry, Tex.	Murdock	Wilson, Pa.
Danforth	Hinds	Murray	Woods, Iowa
Davenport	Holland	Needham	Young, Kans.
Davis, Minn.	Howell	Nelson	Young, Mich.
Davis, W. Va.	Howland	Nye	
Dent	Hughes, Ga.	Parran	

ANSWERED "PRESENT"—6.

Adamson	Fordney	Sparkman	Thistlewood
Browning	Hill		

NOT VOTING—91.

Ainey	Gill	Lindsay	Richardson
Ames	Glass	Littleton	Riordan
Andrus	Goldfogle	Longworth	Roberts, Nev.
Ansberry	Green, Iowa	McCall	Scully
Barchfeld	Gudger	McCreary	Smith, N. Y.
Boehne	Guernsey	Madden	Speer
Bradley	Hamill	Maher	Stack
Brantley	Hammond	Martin, Colo.	Stanley
Broussard	Harris	Matthews	Stedman
Burgess	Harrison, N. Y.	Merritt	Stevens, Minn.
Byrnes, S. C.	Hart	Moore, Tex.	Taylor, Ala.
Conry	Hartman	Neeley	Taylor, Ohio
Cravens	Hay	Olmsted	Tilson
Davidson	Higgins	O'Shaunessy	Turnbull
De Forest	Hobson	Palmer	Tuttle
Dickson, Miss.	Kindred	Peters	Vreeland
Doremus	Kitchin	Porter	Warburton
Driscoll, D. A.	Konig	Pujo	Wilder
Evans	Korbly	Rainey	Wilson, Ill.
Finley	Lafean	Randell, Tex.	Wilson, N. Y.
Fornes	Lafferty	Ransdell, La.	Wood, N. J.
Gardner, N. J.	Lawrence	Rauch	
George	Levy	Reyburn	

So, two-thirds not having voted therefor, the motion to dispense with Calendar Wednesday was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. RAINEY with Mr. MCCALL.

Mr. DANIEL A. DRISCOLL with Mr. MERRITT.

Mr. KITCHIN with Mr. FORDNEY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. RICHARDSON with Mr. THISTLEWOOD. (Either to be released when the other would vote the same way.)

Mr. KORBLY with Mr. PORTER.

Mr. PUJO with Mr. DE FOREST.

Mr. ANSBERRY with Mr. BARCHFELD.

Mr. BOEHNE with Mr. AINEY.

Mr. BURGESS with Mr. GARDNER of New Jersey.

Mr. BRANTLEY with Mr. AMES.

Mr. BYRNES of South Carolina with Mr. GUERNSEY.
Mr. CONRY with Mr. GREEN of Iowa.
Mr. FINLEY with Mr. HARRIS.
Mr. GLASS with Mr. HARTMAN.
Mr. GOLDFOGLE with Mr. HIGGINS.
Mr. GUDGER with Mr. LAFEAN.
Mr. HARRISON of New York with Mr. LONGWORTH.
Mr. HART with Mr. LAFFERTY.
Mr. HAY with Mr. LAWRENCE.
Mr. HOBSON with Mr. MCCREARY.
Mr. KONIG with Mr. MADDEN.
Mr. LEVY with Mr. MATTHEWS.
Mr. LITTLETON with Mr. OLMSTED.
Mr. O'SHAUNESSY with Mr. REYBURN.
Mr. RANDELL of Texas with Mr. ROBERTS of Nebraska.
Mr. PETERS with Mr. TILSON.
Mr. SMITH of New York with Mr. SPEER.
Mr. STANLEY with Mr. TAYLOR of Ohio.
Mr. STEDMAN with Mr. WILDER.
Mr. TAYLOR of Alabama with Mr. VREELAND.
Mr. TURNBULL with Mr. WARBURTON.
Mr. TUTTLE with Mr. WILSON of Illinois.
Mr. WILSON of New York with Mr. WOOD of New Jersey.
For the session:
Mr. SCULLY with Mr. BROWNING.
Mr. PALMER with Mr. HILL.
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. NEELEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the room, listening?

Mr. NEELEY. I came in just as my name was called, but the Clerk called the next name too quickly.

The SPEAKER. The gentleman does not bring himself under the rule.

The result of the vote was announced as above recorded.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HILL was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Rutherford (H. R. 20034, Fifty-ninth Congress), no adverse report having been made thereon.

Also, by unanimous consent, Mr. HILL was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Maude S. Sherry (H. R. 32197, Sixty-first Congress), no adverse report having been made thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894; and

H. R. 1332. An act regulating Indian allotments disposed of by will.

The message also announced that the President of the Senate pro tempore [Mr. BACON] had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce and Labor.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909;

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 26549. An act to provide for the purchase or construction of a motor boat for customs service;

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois;

H. R. 20385. An act to reimburse Charles S. Jackson;

H. R. 2359. An act to refund certain tonnage and light dues;

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limit of said grant; and

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PERSONAL PRIVILEGE.

Mr. SIMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. SIMS. Mr. Speaker, in order to save time I desire to make a preliminary statement——

Mr. CANNON. Mr. Speaker, I would like to have the question of personal privilege presented.

Mr. SIMS. That is what I am expecting to do.

The SPEAKER. The gentleman from Tennessee will state his question of personal privilege.

Mr. SIMS. Yes, Mr. Speaker; I will state it.

The SPEAKER. That is a matter for the Chair to pass on.

Mr. SIMS. I will say, Mr. Speaker, that on the 25th day of January there was published in every paper of Washington, some of them marked as advertisements, a very long statement by Mr. Glover, of this city, in which my name was used from beginning to end. As that paper was read in part by every Member of the House, I hope to save the time of having it read. The gentleman from Kansas [Mr. CAMPBELL] told me a few days ago he was requested by a friend of Mr. Glover to have the article put in the RECORD, and asked me if I had any objection. I told him I had absolutely none, and he could put it in himself. My idea at this point was that he might comply with the request, and now submit a request that the article go in the RECORD and my statement follow.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the article mentioned.

The SPEAKER. Is there objection?

Mr. HEFLIN. Mr. Speaker, reserving the right to object, I desire to say to the gentleman it has been so long since this article appeared—the 25th of January—that I desire to ask him if he can not let it go over until to-morrow or the next day?

Mr. SIMS. I want to say to the gentleman, I am not going to consume time under this right that I have to use the floor. I expect to submit a written statement.

Mr. HEFLIN. About how much time does the gentleman expect to use?

Mr. SIMS. Not over 5 or 10 minutes.

The SPEAKER. If a Member has a question of personal privilege he has the right to talk about it without asking anybody's consent, except the Chair has to pass on the question of whether he has a question of personal privilege or not.

Mr. SIMS. I am trying to avoid using too much time.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] asks unanimous consent to print this article of Mr. Glover in the CONGRESSIONAL RECORD. Is there objection?

Mr. SIMS. I hope there will be no objection.

Mr. MANN. Mr. Speaker, reserving the right to object, how can we tell——

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects. Now the gentleman from Tennessee will state his question of privilege.

Mr. SIMS. Mr. Speaker, that would involve the reading of about a nine-column article in a newspaper, and I do not wish to use the time of the House. I will ask the gentleman from Kansas to send the article to the Clerk's desk and have it read.

Mr. CANNON. Mr. Speaker, I think the gentleman should be required to state, in his judgment, what constitutes the question of personal privilege.

The SPEAKER. That is exactly what the Chair is trying to get the gentleman to do. If the gentleman from Tennessee has a question of privilege, he will state it.

Mr. SIMS. Mr. Speaker, the article which I was trying to avoid reading, to save time, accuses me of having made several false statements in my representative capacity as a Member of this House.

The SPEAKER. Then you have a question of privilege.

Mr. SIMS. Certainly I have, but I am trying to prevent the use of time.

The SPEAKER. It is not necessary to read that nine-column article. The gentleman can read the parts of it which contain the charge.

Mr. CANNON. I will ask the gentleman if he is willing to wait until to-morrow.

Mr. FITZGERALD. I do not think the gentleman from Illinois should attempt to interfere with the day we have.

Mr. SIMS. I am in good faith in not wanting to use the time of the House, and if I can get unanimous consent to print the two statements I will not open my mouth.

Mr. SHERLEY. I have made the objection, and I made it for this reason: I have nothing to say as to the merits of the controversy. But here was an entire page of a metropolitan paper taken up by a gentleman to explain his position. It does not seem to me that the RECORD is the place in which to reprint that matter.

The SPEAKER. Does the gentleman object?

Mr. SHERLEY. I do.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. SIMS] may have 15 minutes.

Mr. CANNON. Is not five minutes sufficient?

Mr. CAMPBELL. I object unless this article goes in, too, in the discussion of this matter.

The SPEAKER. The gentleman from Kansas objects.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. CAMPBELL] have leave to have the article inserted in the RECORD and the gentleman from Tennessee [Mr. SIMS] have 15 minutes in which to address the House and leave to extend his remarks.

Mr. CANNON. He only asks leave to print and couple the two together.

Mr. FITZGERALD. He can not get that leave.

Mr. HEFLIN. I want to ask the gentleman from Tennessee [Mr. SIMS] if he will not let it go over until to-morrow?

Mr. SIMS. The appropriation bill comes on to-morrow, which is just as important as the bill the gentleman wants to have considered now. I am trying to avoid the use of time, and the gentleman sees I am not able to do so.

Mr. HEFLIN. We have already consumed 1 hour and 20 minutes here.

Mr. SIMS. If they will only give me leave to print, I will not consume a minute.

The SPEAKER. The regular order is that the gentleman from Illinois [Mr. MANN] asks unanimous consent to print the article of Mr. Glover in the RECORD and that the gentleman from Tennessee [Mr. SIMS] have 15 minutes.

Mr. SHERLEY. I have objected to the printing of the article. I do not think the RECORD should be encumbered with matters so extraneous as that. To rise to a question of personal privilege is the highest right a Member has. The gentleman from Tennessee can state his position in a few moments without encumbering the RECORD with columns and columns of Mr. Glover's statement. I object.

Mr. SIMS. I will make my statement and make it as brief as possible. I have never tried to filibuster.

Mr. CANNON. Mr. Speaker, I make the point of order that this Calendar Wednesday should be devoted to the business of Calendar Wednesday, and it has been solemnly determined by this House that it can not be interrupted.

The SPEAKER. It has been solemnly determined time and again that a question of personal privilege is a matter of the highest privilege, and the Chair so rules.

Mr. SIMS. Mr. Speaker, on the 30th of December, before the District Committee of the House of Representatives, investigating questions pertaining to some matter of insurance and valuation of buildings in this District, Mr. Charles C. Glover went before that committee as a witness.

Mr. CAMPBELL. I raise a point of order on the question of privilege.

The SPEAKER. It is too late to do that. There is no point of order to be made against a question of personal privilege.

Mr. CAMPBELL. I make the point of order that the gentleman from Tennessee [Mr. SIMS] has not stated a question of personal privilege.

The SPEAKER. The Chair has already ruled on that. That is the last authority, unless an appeal is taken.

Mr. CANNON. In addition to that, Mr. Speaker, the gentleman is proceeding to make a speech.

Mr. FITZGERALD. He has the right to do that.

Mr. CANNON. Can he talk six hours or the balance of the session?

The SPEAKER. The Chair would be inclined to believe that the general rule of one hour would apply, although the Chair does not rule that. But as long as the gentleman from Tennessee restricts himself to the question of having been charged with falsehood by Mr. Glover he is adhering to the question of personal privilege. The Chair does not believe that Members have to submit to being called liars.

Mr. FITZGERALD. Mr. Speaker, I suggest to the gentleman from Illinois [Mr. CANNON] that he permit the gentleman from Tennessee [Mr. SIMS] to proceed and finish his remarks. The gentleman from Illinois has interrupted and delayed more than all the other Members of the House put together.

Mr. CANNON. We are at the mercy of the gentleman from Tennessee.

The SPEAKER. You are at the mercy of the Chair on this occasion.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. MANN. Does not the gentleman think that on a question like this a quorum of the House ought to be present?

Mr. SIMS. Oh, there is a quorum present—all the quorum I want. [Laughter.] Let me finish. I shall not take much time.

Mr. MANN. I thought that might head off more interruptions.

The SPEAKER. The gentleman from Tennessee will proceed.

Mr. SIMS. Mr. Speaker, no one has a greater distaste for personal controversy than I. I have now about rounded out 16 years of continuous service in this great legislative body and have never had one unpleasant word with any Member of the House, whether in open sessions of the House or in committee service. In all these long years I have often become somewhat heated up and excited, but never intentionally said one unkind word of any Member or deliberately said anything to cast reflection upon any man in public or in private life. I realize, Mr. Speaker, that the man who often airs his supposed wrongs and personal injuries on this floor loses rather than gains the sympathy or respect of his colleagues. But, painful as it is to me, I must, in justice to myself as a Member of this body, again ask for patient attention to a matter that I have heretofore discussed, as a matter of personal privilege.

On the night of March 3, 1909, nearly four years ago, the gentleman from Michigan, Hon. SAMUEL W. SMITH, moved to suspend the rules and pass a bill, commonly called the Glover bill, to purchase about 100 acres of land as an addition to Rock Creek Park. I was not in the Chamber at the moment the motion was made, but came back into the Chamber just as the gentleman from New York, Mr. ANDRUS, was yielded five minutes' time in opposition to the motion. I listened attentively to what Mr. ANDRUS said, as he was a member of the Committee on Public Buildings and Grounds, which committee had considered this proposition. Naturally, I relied upon his statement of facts. He is known to all of us as one of the most conscientious and laborious Members of this body. Mr. Speaker, I do not hesitate to say that in the retirement of Mr. ANDRUS this House and the country sustains a most material loss.

In that debate Mr. ANDRUS said:

Mr. Speaker, the work of a session of Congress apparently is never completed until we have some little discussion in regard to an appropriation for the purchase of land in Rock Creek Park. My time is rather limited, but at the outset I want to state how I stand on parks. I am in favor of parks, as I am in favor of public schools, in favor of churches; churches to grow a better moral influence in the community, churches so that the children may acquire an education, and parks where the children can play and grow bone and muscle and nerve to help them bear the heavy burdens of life that will follow. I would like to give you just a hasty résumé of this matter for four years. On March 27, 1906, Senate bill 5289 called for $600,000. On the 27th of March a Senator wrote to the president of the District Commissioners asking certain information, and among the information asked for I find this.

I read from his report. It is Calendar No. 2811, near the bottom of the third page:

"The price named in the bill, $600,000, for about 437,000 square feet of land, or about $1.37 a square foot, is in excess of the estimated value of the land by the board of assessors, their value being $230,000."

Mr. Speaker, I have had some experience, having bought a few lots during my life, and I found the assessor's value, as a rule, a pretty good criterion on which to act. On March 30, 1906, evidently a conscience was pricked, and a bill, H. R. 5102, was introduced for $550,000—$50,000 less. On February 16, 1907, conferees of the House and the Senate came to an agreement of $475,000, but it was not satisfactory to the House Committee on Public Buildings and Grounds, and the matter was dropped with the expiration of the Fifty-ninth Congress.

The thing took on new life, and on January 27, 1908, the bill S. 4441—which I have here—was reported for $423,000, a gradual coming down. That bill went directly to one of the appropriation committees, and on May 26 last, under a suspension of the rules, it was defeated by a vote of 57 for and 164 against.

Mr. NORRIS. That was this same bill?

Mr. ANDRUS. This same bill that is brought up to-day. Now, what have the Government and the people lost in these three years? We are talking now about $423,000, as against $600,000 three years ago, a saving to some one of $177,000. The interest on $600,000 for three years at 2 per cent is $36,000. It makes a total of $213,000. It may be a small sum in this House, but, Mr. Chairman, there are 10,000 boys in my district who would be exceedingly happy if in a legitimate way they could make that money in three years. [Applause.]

The gentleman from Nebraska [Mr. NORRIS], who had control of the time in opposition, yielded me five minutes' time in which to oppose the bill. Having just heard Mr. ANDRUS make his statement above quoted, I said:

Mr. Speaker, when this identical bill, without the change of a letter, was voted on by yeas and nays in this House on the 26th day of May last, 164 noes were recorded as against 57 ayes. How many gentlemen

are going to change, and what reason are you going to give for your flop in so short a time? Now, there will be a yea-and-nay vote at this time on this bill, and you will have to explain some day why you changed in so short a time without any new evidence or any new reason given for the change. * * * They started in on this tract at $600,000 and now they have got it down to $435,000. * * *

It will thus be seen that neither I nor Mr. ANDRUS said that Mr. Glover had ever asked or tried to sell the 100 acres of land for a price higher than $420,000, for which he claimed he held an option from the owners of the several tracts constituting the 100 acres. As I said on the 15th of January last, that I had never been a member of any committee to which any bill had been referred embracing any proposition to acquire this land and knew nothing about the facts, except what had been stated on the floor in debate and what appeared from a statement of Mr. Glover in a hearing before a subcommittee of the Committee on Appropriations on the 15th day of May, 1908. I did not know but that the same land had been offered to the Government prior to the option of Mr. Glover. I never once intimated that he had ever asked for it more than appeared in the bill. By a misprint or mistake of the stenographer I was quoted as saying $435,000, instead of $423,000. But notwithstanding the evident purpose and intention of both Mr. ANDRUS and myself to be accurate in our statements as to all material facts, Mr. Glover, on the 30th day of December, 1912, in a hearing before the District Committee, which was investigating the office of commissioner of insurance in the District of Columbia, went out of his way and made a lengthy detailed statement as to his connection with the attempt to secure the passage of Senate bill No. 4441, of the Fifty-ninth Congress. This statement was made on oath as a witness and published as part of the hearings, appearing on pages 420 and 421 and other pages following in part 4 of said hearings. After quoting what I have just read as part of the remarks of Mr. ANDRUS and myself, on the 3d day of March, 1909, he proceeds:

Mr. Chairman, the statement that I offered that property to the Congress of the United States at $600,000; that I was pricked by conscience and reduced the sum to $550,000; that it was embodied in any bill by my authority at $475,000, or, as Mr. SIMS says, it is now before this House at $435,000 is an absolute and unqualified falsehood.

Mr. Speaker, no graver charge could be made against a Member of this House than to charge that he had been guilty of uttering an absolute, unqualified falsehood in debate on the floor of this House. This statement of Mr. Glover was made voluntarily nearly four years after the 3d of March, 1909. A falsehood is a false statement made by a person who knew that it was false at the time he was making it.

The most casual reading of what was said by Mr. ANDRUS, as well as by myself, shows that neither of us said or intended to convey the impression that Mr. Glover had tried to palm off on the Government the land at a higher price than that mentioned in the bill, $423,000. Mr. Glover went out of his way to assume that we had said the things which he charges to have been an unqualified falsehood.

Mr. Speaker, I can not imagine why he wanted to try to injure either Mr. ANDRUS or myself in our representative capacities by putting things in our mouths which we had not said and then to indignantly charge falsehood to us. He manifested a most malignant spirit in doing so.

On page 420 of the same hearing, at the bottom of same, including one line at top of page 421, Mr. Glover said:

I endeavored to have this option renewed for another year, having failed within the two years to cause the passage of this bill. After much difficulty I succeeded in having it continued for another year, in writing. A short time ago somebody told me that I had better get the CONGRESSIONAL RECORD of 1909, of March 3; that I would probably find therein the cause of what I have been told has frequently occurred—a defense of my character by my friends before members of the House committees. Mr. Judson has told me that frequently he has had to defend me.

I read this RECORD for the first time about a week ago.

Of course, Mr. Speaker, I have no means of knowing whether he actually read the CONGRESSIONAL RECORD at the time of its issuance, but he was well aware of what occurred. As I said in my statement heretofore made, that I was in the Riggs Bank in November, 1909, and that Mr. Glover spoke to me about the matter, to the effect that the Government had lost the opportunity to get that splendid piece of land as an addition to Rock Creek Park by not accepting his option; that it was then gone forever. He then spoke of the fact that both Mr. ANDRUS and I in debate had made the statement that the land had been offered at $600,000, then at $550,000, then put in by the Senate at $475,000. He then pointed out to me that the land offered at those figures was the Meridian Hill tract and not the tract on which he had an option at $420,000. I then told him that I had simply followed Mr. ANDRUS, and that if anything had been said by me that did him an injustice that I would be glad to put anything in the RECORD that would set him right. In the same conversation he told me that a magazine article had been published using these statements I have just repeated, and that the magazine article had in substance charged that he had tried to sell the land to the Government at a higher price than called for in his option and had done him a great injustice. I then examined the RECORD and saw that neither I nor Mr. ANDRUS had stated that he had tried to sell the land for more than the option called for. I saw that the statement was that it had been offered for $600,000, and then for $550,000, but nothing in our statements charged even by implication that he had tried to sell the land at those figures. Hon. SAMUEL W. SMITH was present at least part of the time during this conversation.

But, Mr. Speaker, he did not have to read the RECORD of March 3, 1909, to know that such charges had been made as to a higher price having been asked for this identical land. My whole argument was that the land was not worth what was asked for it and that it was not rapidly rising in price, and all that I said was to justify that position. I had no purpose to injure Mr. Glover or to hurt him in any way, as anyone will see by reading the debate on the date of March 3, 1909. Mr. Glover knew that no such purpose was in my mind. Then, how unjust and how unfair and how malicious it was on his part, nearly four years afterwards, to say what he did of me in the hearing I have recited. He could have explained to that insurance investigating committee, a fact which he well knew, that Mr. ANDRUS, by a mistake easily made, in reading the report of the District Commissioners, which contained both tracts—Rock Creek and Meridian Hill—had read the part of the report referring to Meridian Hill and applied it to Rock Creek land. He could have said all that was necessary to set himself right and could have shown how the mistake had been made and no one would have been hurt or had any right to complain. But instead of doing that which would have been the decent thing to do, he falsely assumes that we had charged him with things that we did not charge, and calls my name specifically in connection with the charge that the statement was an absolute, unqualified falsehood. But in his anxious desire to injure Mr. ANDRUS and myself, not only with the Members of this House, but with all who read the papers here, he had placed his full, detailed statement in one of the Washington newspapers, for which, no doubt, he must have paid a good round sum of money, for no other purpose, that I can see, than to injure Mr. ANDRUS and myself. If he had not shown so much malice, I perhaps would not have made any reply, further than to state the bare facts connected with that particular transaction. In my statement on January 15 last I tried to be perfectly fair to Mr. Glover. I restrained my feelings and said nothing I did not feel fully warranted in saying. If anyone will read only so much of Mr. ANDRUS's speech and mine as Mr. Glover placed in the hearings before the District subcommittee on December 30, he will see that Mr. ANDRUS referred to bills by numbers and dates, and gave the correct date and number of the Senate report from which he read, which showed the tract of land offered first at $600,000 and afterwards at $550,000, and carried in a Senate amendment at $475,000, contained only 437,000 feet, which could not be, at most, much over 10 acres, while the Rock Creek Park tract, containing about 100 acres, when reduced to square feet would be more than 4,000,000 feet, or ten times as much land as the Meridian Hill tract.

All this was well known to Mr. Glover. He knew that Mr. ANDRUS had unintentionally made a mistake, and that I had accepted Mr. ANDRUS's statement in the best of faith. Mr. Speaker, a simple mistaken statement is not a falsehood of any kind, much less an absolute unqualified falsehood. Mr. Glover knew when he made the charge of falsehood that his charge was false, and the fact that he published that statement in the newspapers in Washington was conclusive evidence of a malicious purpose on his part to injure Mr. ANDRUS and myself. In my speech January 15 I did nothing but state simple facts, and all material facts are correctly stated. I may have made errors as to immaterial details. But I purposely refrained from making charges of bad conduct or bad faith upon the part of Mr. Glover. But notwithstanding my mild statement following such mean and unjust treatment on the part of Mr. Glover, he has since seen fit to publish in three of the newspapers in Washington of January 25, 1913, a most scurrilous and defamatory attack on me, for the publication of which he, no doubt, must have paid a large sum of money, establishing beyond doubt his malicious purpose to injure me. That publication makes this statement necessary. So I shall treat his newspaper attack somewhat in order.

First. As a justification for bringing into the hearing on the insurance investigation a matter in no way related to it he

made the statement that he had never read the CONGRESSIONAL RECORD of March 3, 1909, and that only a week prior to his appearance before that committee he had been told by some one—whose name he withholds, like he did the fact that a Member of Congress owned some of the land he was trying to put off on the Government—that he had better read the CONGRESSIONAL RECORD of March 3, 1909.

Mr. Glover in his latest newspaper article says that I defeated his bill on March 3, 1909, by the so-called false statements about him. Mr. Speaker, I did not kill that bill by anything I said on March 3, 1909. It was already as dead as an Egyptian mummy. On May 26, 1908, that same Senate bill, S. 4441, was under consideration by the House under a motion to suspend the rules and pass it, at which time I had absolutely nothing to do with it. I did not open my mouth about it at that time. The gentleman from Kentucky [Mr. SHERLEY] on that occasion demanded a second to the motion to suspend the rules, and under the rules acquired control of the 20 minutes' debate in opposition to the bill, and I now read from the CONGRESSIONAL RECORD what was said in debate on the bill at that time.

Mr. Speaker, in the debate on the Senate bill No. 4441, on the 26th day of May, 1908, on page 7000 of the CONGRESSIONAL RECORD, first session of the Sixtieth Congress, I read the following, while the gentleman from Missouri [Mr. BARTHOLDT] had the floor in opposition to the bill:

Mr. GAINES of West Virginia. What was the price then?
Mr. BARTHOLDT. The price was just the same as it is now.
Mr. GAINES of West Virginia. I have been told that several years ago, at least, the price was $600,000 against $450,000.
Mr. BARTHOLDT. That was many years ago.
Mr. RODENBERG. And it is cheaper now.

Mr. Speaker, in the same debate at the same time on the same page of the RECORD Mr. NORRIS, the gentleman from Nebraska, in debate on that bill, said:

Now, this matter has been before several committees. I was talking to-day to a Member, who was several years ago on the Committee on the District of Columbia, and he said that when he was on that committee this tract was offered for $600,000, a price then said to be very cheap, and they were urged to accept it before the option ran out.

While the bill was under consideration at that time Mr. Glover was sitting in the Members' gallery and distinctly heard every word that was said. He heard Mr. Gaines of West Virginia ask Dr. BARTHOLDT as to the fact of this land having been offered for $600,000. He heard Dr. BARTHOLDT reply "that was many years ago," thus admitting the fact that such a price had been at an earlier date asked. He heard Mr. Gaines use the words "and now offered at $450,000." He distinctly heard the speech of the gentleman from Nebraska [Mr. NORRIS] which I have just read. Why did he not fly into a rage, go into the press of the city and denounce all those honorable gentlemen as liars? I have my opinion as to why he did not do it. Although on a yea-and-nay vote the bill was defeated by a vote of more than three to one he still hoped that at some unwatched moment he might put that steal off on the Government. Now, will he claim that he did not know what was said in that debate, which he in person heard; that he did not read the RECORD, and that some friend has lately suggested to him to read the RECORD of that date?

Mr. Glover charges that it was the statements made by Mr. ANDRUS and myself, as to the land having been offered at a higher price than $425,000, that defeated the bill and deprived the Government of that beautiful piece of ground at much less than its value.

Mr. Speaker, he gives us entirely too much credit in this matter. That bill did not even have to be killed on March 3, 1909. It was already dead as Hector. The gentleman from Kentucky [Mr. SHERLEY] and the other gentlemen to whom he yielded time on May 26, 1908, are the gentlemen who are entitled to the credit of killing that odious bill. As I have stated, I took no part in the killing of the bill at the time it was actually killed, but when the attempt was made in the darkness of night on March 3, 1909, to resurrect that putrid corpse I used only five minutes in debate in an humble effort to show the House that it should not be resurrected.

Mr. Speaker, the only purpose in showing that the land had been offered at former periods at higher values was to meet the argument that the land was increasing or had increased in value. There was not the slightest intimation that Mr. Glover had tried to sell the land for a greater amount than named in his option. But with all these facts staring him in the face since the memorable fight, led by Mr. SHERLEY on May 26, 1908, Mr. Glover is pleased to charge that what Mr. ANDRUS and I said in the debate on the same bill on March 3, 1909, was an attack on him personally, and as an excuse for his belated and malicious charges against us, is that he did not know what had been said by us until about a week before he gave his mass of false statements to the investigation subcommittee of the District Committee on December 30, 1912. The only thing new that was brought out in the discussion on March 3, 1909, that was not fully discussed at the time Mr. SHERLEY made his successful onslaught on the bill in May, 1908, was the fact that I brought out then that a Member of the House at that time owned part of the land sought to be unloaded on the Government, which fact was unknown to me until a few days before the last attempt was made to pass the bill on March 3, 1909. Even this disclosure did not greatly strengthen the opposition to the bill. While this fact was unknown to the membership of this body when the bill was defeated in May, 1908, there were only 28 more votes cast against the measure on March 3, 1909, than on May 26, 1908, and only 26 fewer votes given for the bill on March 3 than on May 26, 1908. The vote for the bill May 26, 1908, was 57, against it 164. The vote for the bill March 3, 1909, being 31, and the vote against the bill was 192.

Mr. Speaker, in my remarks on January 15, 1913, I referred to the fact that the report made by the Appropriations Committee to accompany that bill in 1908 consisted of only four lines, and gave what I supposed was the reason for it, that the subject matter of the proposed legislation had been before the House before and was well known to Members. I had reference to the facts as to the land, its location, and the alleged reasons why we should purchase it.

I certainly did not mean to convey the idea that we knew all about the specific terms of the option claimed in favor of Mr. Glover, except what he had stated in a printed hearing before the Appropriations Committee. I never intended to be understood as meaning that the membership of the House knew anything about who the several owners of the land were. All we knew or could know was what had been stated by Mr. Glover in the hearing referred to and the report made to the Senate by the Commissioners of the District of Columbia.

Mr. Speaker, the Government has the undisputed right to condemn every foot of land in the District of Columbia for public uses. The Government by this power has an option on every foot of land in this District, and the only benefit that is possible for the Government to receive by an option is in the price. It might be that one private individual by withholding the fact that the Government wanted a certain piece of land could get an option from another private individual at a less price than if the landowner knew that the Government wanted the land. Where is the man, if he knew an option was wanted on his land by another man for the purpose of letting the Government have it, that would be fool enough to give an option on it for less than he thought he could get for it under condemnation proceedings?

On page 420, part 4, of the hearings before the District Committee I read the following statement of Mr. Glover under oath as to his so-called option:

Mr. JOHNSON. Mr. Glover, do you desire to make any other statement?

Mr. GLOVER. I would like you to indulge me for a moment in connection with a matter that has had some inquiry made in connection with the value of the property known as Massachusetts Avenue Heights. I would like to state very briefly my connection with that property.

In 1906, desiring to bring the Potomac Park and the Rock Creek Park together—that is, assuming that the Zoological Park is a part of Rock Creek Park—I got an option on 100 acres of this property for the sum of $420,000. In 1907 I caused to be introduced into the Senate and House a bill looking to the purchase of this property at the option named, but with $3,000 added by the Commissioners of the District of Columbia for expenses that might be incurred in acquiring it.

Mr. JOHNSON. Who introduced those measures?
Mr. GLOVER. A Member of the House and a Member of the Senate.
Mr. JOHNSON. Do you recall whom?
Mr. GLOVER. I do not at the present moment. I am not sure that the commissioners did not ask for the introduction of this bill. I took the bill to the then Commissioners of the District of Columbia and they thoroughly approved of the scheme.

My option was for two years, and for two sessions of Congress this property was offered at the price named—$420,000.

Mr. JOHNSON. How was the property described? Was there any particular name for it?

Mr. GLOVER. Yes; it was the property lying between Connecticut Avenue and Massachusetts Avenue Bridges, and ran out to the Protestant Episcopal Cathedral Foundation. There were also 3½ acres south of the Massachusetts Avenue Bridge. It was my intention to continue down Rock Creek until these parks were finally joined. As the panic had created a very extremely critical and serious condition in the money market——

Mr. JOHNSON. Which panic?

Mr. GLOVER. The panic of 1907, which ran well into 1908 and 1909. I endeavored to have this option renewed for another year, having failed within the two years to cause the passage of this bill. After

much difficulty I succeeded in having it continued for another year, in writing. A short time ago somebody told me that I had better get the CONGRESSIONAL RECORD of 1909, of March 3; that I would probably find therein the cause of what I have been told has frequently occurred—a defense of my character by my friends before members of the House committees. Mr. Judson has told me that frequently he has had to defend me.

Mr. SISSON. Mr. Speaker, I think the gentleman from Tennessee is entitled to a quorum, and I make a point of no quorum.

Mr. SIMS. I do not want any quorum, and I hope the Democrats will not filibuster.

Mr. CANNON. Will the gentleman from Mississippi withhold his point for a moment to allow me to ask the gentleman from Tennessee one question?

Mr. SISSON. I will withhold it.

Mr. CANNON. Will the gentleman from Tennessee yield for a question?

Mr. SIMS. I will.

Mr. CANNON. Does not the gentleman, as a Representative of long service in this House, known throughout the country, think that he can afford to drop this matter by saying that he is not a liar and that the other fellow is? [Laughter.]

Mr. SIMS. All of which might be absolutely true; but inasmuch as Mr. Glover has published a long detailed statement occupying an entire page in the newspaper, I feel bound to go a little more into the details.

The SPEAKER. Does the gentleman from Mississippi insist upon his point of no quorum?

Mr. SISSON. I do.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifteen Members present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The doorkeepers will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Fornes	Lafean	Roberts, Nev.
Andrus	Gardner, N. J.	Lafferty	Scully
Ansberry	George	Langley	Sharp
Ayres	Gill	Lawrence	Smith, N. Y.
Boehne	Goldfogle	Levy	Speer
Bradley	Gould	Lindsay	Stack
Broussard	Gregg, Pa.	Littlepage	Stanley
Burgess	Gregg, Tex.	Littleton	Stedman
Burleson	Griest	Longworth	Stevens, Minn.
Burnett	Gudger	McCall	Sulloway
Byrnes, S. C.	Guernsey	Maher	Talcott, N. Y.
Calder	Hamill	Martin, Colo.	Taylor, Ala.
Candler	Harris	Matthews	Taylor, Colo.
Claypool	Harrison, N. Y.	Merritt	Taylor, Ohio
Conry	Hart	Mott	Thistlewood
Copley	Hartman	Nelson	Tilson
Covington	Hay	Olmsted	Turnbull
Crago	Hayes	Palmer	Tuttle
Curry	Heald	Patton, Pa.	Vare
Davidson	Henry, Tex.	Payne	Vreeland
De Forest	Higgins	Peters	Warburton
Dixon, Ind.	Hill	Porter	Wilder
Doremus	Hobson	Pray	Wilson, N. Y.
Driscoll, D. A.	Jackson	Pujo	Wood, N. J.
Evans	Johnson, S. C.	Randell, Tex.	Young, Mich.
Fairchild	Kitchin	Reyburn	
Finley	Konig	Richardson	
Focht	Korbly	Riordan	

The SPEAKER. Two hundred and seventy-four Members have answered to their names—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. SIMS. Mr. Speaker, it appears that Mr. Glover under oath, at his own request for permission to do so, made the above statement, a part of which was that he had an option for two years on the land referred to, and for two sessions of Congress the property was offered at the price of $420,000. He further says:

I endeavored to have this option renewed for another year, having failed within the two years to cause the passage of this bill. After much difficulty I succeeded in having it continued for another year in writing.

Mr. Speaker, both these statements as to the length of time that the original and renewed options had to run before they expired, by specific terms, although made under the sanction of an oath before a committee of this House, are deliberate false statements, and known to be false when made. This fact I did not know when I made my statement on January 15, 1913, and never knew until the statement of Mr. Glover which appeared in the minutest detail in the Washington Post and several other papers on the 25th day of January, 1913, in which Mr. Glover publishes what he claims is a copy of his original option, which is as follows:

TEXT OF OPTION.

Articles of agreement made and concluded this 9th day of March, A. D. 1906, between the persons whose signatures are hereunto attached as owners of interests in the pieces or parcels of ground hereinafter described, constituting a part of what is known as the Thompson Syndicate property, title to which said property was vested in Charles J. Bell, Amos H. Plumb, and John Cassels by decree entered on the 15th day of April, 1903, in the Supreme Court of the District of Columbia, in equity cause No. 23345, parties of the first part, and Charles C. Glover, of the city of Washington, D. C., party of the second part:

Whereas the parties of the first part are the owners of the pieces and parcels of ground hereinafter described; and

Whereas the parties of the first part are willing that the said pieces and parcels of ground shall be made and shall become a public park upon the terms and conditions hereinafter stated; and

Whereas the party of the second part desires, without compensation, and in consideration of the public interests to be thereby promoted and subserved, to aid so far as he can properly do so to in having said pieces and parcels of ground made a public park on the terms and conditions hereinafter stated:

This agreement witnesseth, That the parties of the first part, each for himself or herself, and in respect of their several and respective interests each for himself and not one for the other, in consideration of the sum of $1 lawful money of the Untied States to each of them in hand paid by Charles C. Glover, before the signing and sealing of this agreement, the receipt whereof is hereby acknowledged, and in consideration of the other payments, and the performance of the conditions hereinafter specified, do hereby covenant, promise, and agree to and with the said Charles C. Glover to sell to the United States or the District of Columbia, for the purpose of a public park, for and in consideration and at the rate of $4,000 per acre and fraction of an acre, all those pieces and parcels of ground in the District of Columbia described as follows:

Parcel No. 1.—All that part of the aforesaid property lying to the south of the south building line of Massachusetts Avenue and to the east of the center line of Rock Creek Drive, as said drive is shown on the plan of the permanent system of highways in the District of Columbia, and containing 3½ acres, more or less.

Also parcel No. 2: All that part of the aforesaid property described as follows: Beginning at the center of Rock Creek Drive as shown on the said plan of the permanent system of highways, where said center line crosses the property line between the said property of the Thompson Syndicate and Woodley Park; thence southerly along said property line to the boundary of the said property of the Thompson Syndicate at or near Rock Creek; thence along said propertly line down Rock Creek to the north building line of Massachusetts Avenue; thence northwesterly along said building line of Massachusetts Avenue to the point where the property line of the said property of the Thompson Syndicate leaves said avenue; thence following said property line in a northerly and northwesterly direction to its intersection with the north building line of Observatory Circle; thence along said building line of said circle in a westerly direction to its intersection with the center line of Thirty-fourth Street, as said Thirty-fourth Street is shown on said plan of the permanent system of highways; thence due north along the center line of said Thirty-fourth Street to the center line of Garfield Street, as said Garfield Street is shown on said plan of the permanent system of highways; thence due east along the center line of Garfield Street to a point 325 feet distant at right angles from the center line of Cleveland Avenue, as said avenue is shown on said plan of the permanent system of highways; thence southeasterly and parallel to said center line of Cleveland Avenue and 325 feet distant therefrom to the point where said line intersects the center line of Twenty-ninth Street, as said Twenty-ninth Street is shown on said plan of the permanent system of highways—said line running parallel to Cleveland Avenue to be the center of a 90-foot street; thence southeasterly by a reversed curved line to the intersection of the center line of Rock Creek Drive, as said Rock Creek Drive is shown on said plan of the permanent system of highways—said reversed curved line to be the center of a 90-foot street; thence about 350 feet along the center line of said Rock Creek Drive to the point of beginning; and containing 84½ acres more or less; the pieces or parcels of land aforesaid containing together 88 acres of land more or less.

A further condition and consideration for the conveyance by the aforesaid trustees to the United States of the pieces or parcels of land above described is that, that portion of Benton Street, as shown on said plan of the permanent system of highways shall be abandoned by the United States from where said Benton Street intersects the reversed curved line referred to in the aforesaid description of the land to be taken for a park eastwardly to the junction of said Benton Street with said Rock Creek Drive; the purpose of said abandonment being that the reversed curved street is to be the boundary of the park at this point and shall take the place of that portion of Benton Street proposed to be abandoned.

A further condition and consideration for the conveyance of the above-described pieces and parcels of land by the aforesaid trustees to the United States is, that wherever the park line follows the center of a street as now laid out on the said plan of the permanent system of highways, or a street to be laid out as provided herein, a strip of land 30 feet wide on each side of said center street line shall be dedicated for roadway and sidewalk purposes by the United States and the aforesaid trustees out of and from any piece or parcels of lands within said 30-foot strips owned or that may be owned by them severally.

The covenants hereby made and entered into are upon the express condition that they shall be executed in their entirety, and that all and not a portion of the pieces and parcels of land herein provided to be set apart and become a park shall be taken and paid for according to the terms herein set forth.

Upon the performance of the conditions herein prescribed and the full payment of the purchase money herein provided for to John Cassels, Charles J. Bell, and Amos H. Plumb, the trustees who hold the title to the above described property; the said trustees and the survivor or survivors of them shall and they are hereby directed to make, execute, and deliver proper conveyances, and to do and perform all acts necessary in their judgment to carry into effect the purposes of this agreement.

It is further agreed that this agreement shall continue in force until the end of the first session of the present Congress, the Fifty-ninth Congress, and shall then cease and determine and be of no effect, unless the legislation herein contemplated and specified be obtained and an appropriation made for the purchase money herein designated at said first session.

This agreement is to bind as well the heirs, executors, administrators, and assigns of the parties hereto as the parties themselves.
Executed in duplicate.
Witness the following signatures of owners.

[SEAL.] JOHN W. PILLING,
AMERICAN SECURITY & TRUST CO.,
Trustee Under the Will of John W. Thompson.
[SEAL.] C. J. BELL,
President and Trust Officer.
Witness:
WALTER J. PILLING.
Approved:
MARY IDA THOMPSON.
ROSS THOMPSON.
[SEAL.] HARVEY DURAND.
[SEAL.] JOHN T. GARVER.
[SEAL.] JOHN T. GARVER, *Assignee.*
[SEAL.] LAURA R. GREEN.
[SEAL.] CARRIE S. PLUMB.
Witness:
A. H. PLUMB.
Attest:
AMERICAN SECURITY & TRUST CO.,
C. J. BELL, *President.*
[SEAL.] ALDIS B. BROWNE,
Trustee of the Estate of A. T. Britton.
Witness:
JAMES F. HOOD, *Secretary.*
[SEAL.] WARNER MOORE.
[SEAL.] WARNER MOORE,
Executor and Trustee.
[SEAL.] WM. J. LOCKE,
Executor and Trustee Under Will of William A. Allison.
Witness:
MARY P. STEINLEIN.
[SEAL.] A. S. WORTHINGTON,
Per J. C. HEALD.
[SEAL.] J. C. HEALD.
[SEAL.] GEORGE W. WINGATE,
Per J. C. HEALD.
Witness:
C. J. BELL.

This option shows that it was given on the 9th day of March, 1906. Next to the last provision of this contract reads as follows:

It is further agreed that this agreement shall continue in force until the end of the first session of the present Congress, the Fifty-ninth Congress, and shall then cease and determine and be of no effect, unless the legislation herein contemplated and specified be obtained and an appropriation made for the purchase money herein designated at said first session.

Mr. Speaker, the first session of the Fifty-ninth Congress, mentioned in this bogus option, had been in existence at the date of this agreement since the first Monday in December, 1905, or more than three months, and under no conceivable circumstances could have continued for two years from that date, as sworn to by Mr. Glover. The first session of the Fifty-ninth Congress did in fact expire by adjournment June 30, 1906, and by the specific and definite provision of the option it expired on that date, as no legislation had been obtained and no appropriation made as provided during the first session of the Fifty-ninth Congress. So that this option became null and void within 3 months and 21 days from its date, instead of continuing for two years, as falsely stated by Mr. Glover.

The so-called renewal or extension of this defunct option, which Mr. Glover swore he had such hard work to secure, which he said was for one year and in writing, and made a part of Mr. Glover's statement in the Washington Post of January 25, 1913, is as follows:

OPTION WAS EXTENDED.

Articles of agreement made and concluded this 15th day of January, A. D. 1908, by and between Charles J. Bell, Amos H. Plumb, and John Cassels, trustees, under decree entered April 15, 1903, in the Supreme Court of the District of Columbia, in equity cause 23345, parties of the first part, and Charles C. Glover, of the city of Washington, party of the second part.

Whereas by an agreement bearing date the 9th day of March, 1906, an option was given to Charles C. Glover to purchase two certain parcels of land, a copy of which agreement is hereto attached and made a part hereof; and

Therefore it is hereby mutually agreed to and with each other that the said option shall be held and considered as continuing and being in full force, operation, and effect until the termination of the first session of the present Congress (the Sixtieth Congress) and for such time thereafter as may be necessary to obtain the payment of any sum or sums of money appropriated at said session of Congress, and shall then cease and determine and be of no effect.

Witness:
CHARLES J. BELL.
Witness:
A. H. PLUMB.
Witnesses:
J. DONALD CASSELS,
JOHN CASSELS, *Trustees.*
Approved.
AMERICAN SECURITY & TRUST CO.,
Trustee Estate of J. W. Thompson.
C. J. BELL, *President.*
CARRIE S. PLUMB,
By A. H. PLUMB.
MARY IDA THOMPSON.
ROSS THOMPSON.

So, Mr. Speaker, it appears from this extension or renewal option, entered into on the 15th day of January, 1908, that the option of March 9, 1906, was to be held and considered as continuing and being in full force, operation, and effect until the termination of the first session of the Sixtieth Congress and for such time thereafter as might be necessary to obtain the payment of any sums of money appropriated at said first session of the Sixtieth Congress, and should then cease and determine and be of no effect. At the date of this alleged renewal contract, or option, the first session of the Sixtieth Congress had been in existence since the first Monday in December, 1907, and actually terminated by final adjournment May 30, 1908. So at the expiration of 4 months and 15 days from the date of this bogus renewal contract the same had terminated and ceased to be of binding force and effect instead of being for one year from its date, as sworn to by Mr. Glover.

So, you see, Mr. Speaker, that the first or original option ceased to exist within 3 months and 21 days from its date instead of 2 years, and the renewal option became void 4 months and 15 days from its date instead of 1 year from its date. How is Mr. Glover going to excuse himself for swearing falsely in his statement of December 30, 1912, with both the original and renewal options in his possession?

Mr. Glover says in substance that I am somewhat reckless in my speeches. That may be true, but I have never been accused of being reckless when I am making statements under oath.

This copy of the original option contract and renewal of same, Mr. Speaker, bears all the earmarks of being bogus, as being mere framed-up counterfeit devices to be used by Mr. Glover in his efforts to get Congress to purchase the land covered by them. In the first place, both of them are dated after the regular sessions of the Fifty-ninth and Sixtieth Congresses were well advanced, and both provided that unless Congress acted and appropriated the money for the purchase of the lands during the then pending first sessions of the Fifty-ninth and Sixtieth Congresses that the options were to become void. All this was done, we are forced to believe, to enable Mr. Glover to urge hasty action by Congress under the spurious claim that the options could not be renewed and that the land was rapidly advancing in price. We all know that 1906 was the banner year of all the years since the War between the States for its record of prosperity and good times. This original option expired by the adjournment of Congress on June 30, 1906, so that the owners of the land had all of the eight months from June 30, 1906, to March 4, 1907, the most prosperous of any eight months in 40 years prior thereto, with no option on their lands in which to dispose of same to the best advantage. Then followed the remainder of the year 1907—the panic year—and until the 15th day of January, 1908, when this bogus option was continued, with no sale of this land. We see that this land had been free from any option from June 30, 1906, to January 15, 1908, a period of 1 year 6 months and 15 days.

On the 15th day of May, 1908, just four months after the bogus renewal contract had been made, a hearing was had before the subcommittee of the House Committee on Appropriations, presided over by Mr. Tawney, who was at that time chairman of the Committee on Appropriations of the House of Representatives, which hearings were printed. From a copy of the printed hearings I read the following:

The CHAIRMAN. At the same figure as was originally offered for any of them?

Mr. GLOVER. Mr. Tawney, it is needless for me to say that there are no commissions or charges or benefits to be had out of this transaction. It is purely for the benefit of the city.

The CHAIRMAN. The question may be asked if this bill is reported to the House, and in that event I wanted to be in a position to state the fact.

Mr. SMITH. The options run to you personally, and you would turn them over without profit?

Mr. GLOVER. Absolutely.

And now along that line I just want to say one word about the value of property in that location. I bought for the cathedral—I am one of the trustees, and I practically started the whole cathedral proposition—I bought the property to the westward of this tract several years ago, and we paid $8,000 an acre. The ground was exactly similar to this property that Senator Nixon has just purchased, and he bought it in the spring, and he bid $6,000 or $7,000 an acre for it—26 acres. The ground near these houses has been bought for $1 per square foot. We are getting some of the same kind of ground in this tract. There is not an acre of ground in this property that could be bought for less than $6,000 to $8,000 per acre.

Mr. Speaker, you will see from what I have read, as appears on the top of page 8 of the printed hearings, that Mr. Glover uses the words, referring to the lands embraced in his bogus option:

There is not an acre of ground in this property that could be bought for less than $6,000 to $8,000 per acre.

That statement covered each and every acre wherever situate, but it turns out to be a fact that about two years after the date of this reckless statement by Mr. Glover 17½ acres of this very land were given free to the District of Columbia for park purposes.

Mr. Speaker, in the same hearing, as appears on page 9 of the printed report of same, I read as follows:

The CHAIRMAN. How is it, Mr. Glover, with respect to the 88 or 98 acres; would it be possible for you to have the option renewed another year?

Mr. GLOVER. No, sir; that is out of the question, Mr. Tawney. They have assessed this ground at $7,500 an acre. The assessment has gone up tremendously.

Mr. FITZGERALD. The assessed valuation of it?

Mr. GLOVER. Yes; they have put it up enormously, and justly so. It is a pretty fine piece of ground. Bell told me the other day that they hardly knew what to do about this thing.

The CHAIRMAN. You think it would be impossible to renew the option?

Mr. GLOVER. Absolutely.

We see that Mr. Glover said at that time that the land had been assessed at $7,500; that the assessment had gone up tremendously, and, strange to state, for more than one year and a half, from June 30, 1906, to January 15, 1908, during all of which time this land was advancing in this skyrocket fashion, no sale of it had been made, and an old option, taken in 1906 at $4,000 an acre, was renewed at the same price, January 15, 1908. At the time Mr. Glover made this statement of the assessed value by adding one-half of assessed value to assessed value, we have the market value at that time of $11,250 per acre. If we can believe anything that Mr. Glover says about this matter, the very day he made this statement the 100 acres of land covered by his option at its market value was worth $1,125,000. The option by its terms expired May 30 of that year, 1908, being the day of adjournment of first session of Sixtieth Congress. From that day hence there was no option on that land or on any portion of it. But notwithstanding this fact, during the winter of 1908 and 1909, up to and including March 3, 1909, with no option of any kind on any of the land, Mr. Glover was wearing himself out and the Members of the House to a frazzle to induce the House to pass Senate bill 4441, providing for the purchase of this land for $400,000, when he had stated upon his honor before a committee of the House that there was not an acre that could be bought for less than six or eight thousand dollars; that it was assessed at $7,500 an acre, making the market value $11,250 an acre, or $1,125,000 for the 100 acres. How can anyone escape the conclusion that the option was all a bogus, fraudulent, trumped-up device to be used by Mr. Glover to cause Members of Congress to believe that if it was not taken advantage of during the two sessions mentioned that it would be too late?

There is other evidence of the fraudulent character of this make-believe option. The option on its face discloses the fact that the Government was to be the real purchaser and not Mr. Glover; that this fact was well known to the men who gave the option. I ask in all seriousness who was Charles J. Bell, that he had to have a go-between to aid him in persuading Congress to accept what we are asked to believe was in a large measure a donation to the Government of a large amount of money? Who was John Cassels that he needed anybody to enable him to get legislation through Congress? We all know that Mr. Bell is one of the best-known citizens in Washington; that he is president of the American Security & Trust Co.; that he is a man of large business affairs and wide experience and a good judge of real estate values in the District of Columbia. We all know that Mr. John Cassels was an attorney for the Pennsylvania Railroad Co., and often appeared before committees of Congress in favor of or in opposition to proposed legislation. Why did he need Mr. Glover's assistance in getting Congress to take land off his hands at a loss to him or those whom he represented?

Do we not all know that Mr. Bell, Mr. Cassels, Mr. Plumb, and the Member of Congress who gave this so-called option knew that they could have joined in a letter to the Speaker of the House, the Vice President, the chairmen of the proper committees of the two Houses of Congress offering to sell these lands for park purposes and that it would have been regarded with favor if the proposition had been a meritorious one? Why did these men want any lobbyist to press an honest proposition on Congress?

Mr. Speaker, is it possible to suppose that the owners of these lands and these trustees representing owners, after the option they had renewed January 15, 1908, had expired, and after the land had gone up, in the glowing language of Mr. Glover, "tremendously," with no obligation—legal, equitable, or moral—resting upon them, on March 3, 1909, would have conveyed these lands to the District or the Government at the alleged option price if the bill had passed March 3, 1909? Not on your life.

Will anybody believe that these honorable gentlemen would sit idly by knowing that Mr. Glover, with no sort of an agreement or option after May 30, 1908, was using all his wits, with a few extra smiles, to induce Congress to pass a bill to purchase a lot of land at a price named in a lapsed and void option, with no intention of accepting the price named in the bill? I have not the slightest doubt that if the bill under consideration March 3, 1909, had passed that the land would have been conveyed to the Government at the price named in the bill, not because of any valid, binding, then existing contract required them to do so, but because of the fact that the price was a good one and the sale to the Government a wise and profitable transaction.

Mr. Speaker, there are other reasons besides these I have enumerated appearing in the hearings, and in the face of the so-called option, that leads me to believe that it was a bogus device put into the hands of Mr. Glover to enable him to secure the passage of the bill, that the owners were anxious to sell the land at the price named, and if no option had ever been given they would have jumped at the opportunity to have disposed of the land at the price named. This conclusion is strengthened by the fact that after the owners found out by repeated failures of Mr. Glover to fool Congress, that Congress had gotten on to his lobbying curves, that they quit fooling with him and gave one-fifth of the 84½ acre tract, 17½ acres, to the District of Columbia without money and without price, after Mr. Glover had solemnly assured the Appropriations Committee that there was not an acre of the land embraced in the option that could be purchased for less than $6,000 or $8,000 per acre.

Mr. Speaker, I have confined this statement wholly to matters directly connected with the attempt to sell this 99.74 acres of land to the Government, covered by the so-called option of Mr. Glover. I pass over all other matters in both his statements before the District Committee in its insurance investigation and also in Mr. Glover's long statement published in the Washington papers of January 25, 1913, not that I admit or deny any of his statements as to other matters, but because I had no connection with the legislation concerning anything else except the 100 acres covered by the alleged option of Mr. Glover, dated March 9, 1906, and claimed to have been renewed January 15, 1908, and one of my reasons for not doing so is that I do not wish to add further to the mortification and humiliation of a dishonored, discredited, self-impeached man.

Mr. Speaker, I do not desire and will not longer take the time of the House when it has important and urgent business to transact.

In justice to Mr. Glover, I ask unanimous consent to print his entire article in connection with my remarks in the RECORD, and hope that nobody will object.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print the Glover article in connection with his remarks in the CONGRESSIONAL RECORD. Is there objection?

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

INTERNATIONAL COMMISSION OF JURISTS (H. DOC. NO. 1343).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State inclosing a report, with accompanying papers, of the delegates of the United States to the International Commission of Jurists, which met at Rio de Janeiro in June last.

WM. H. TAFT.

THE WHITE HOUSE, *February 5, 1913.*

QUESTION OF A QUORUM.

Mr. HEFLIN. Mr. Speaker——

Mr. SISSON. Mr. Speaker——

The SPEAKER. The gentleman from Alabama.

Mr. SISSON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair overrules the point of order on the ground that it is dilatory.

Mr. SAUNDERS. Mr. Speaker, in that connection——

Mr. HEFLIN. Mr. Speaker, the Committee on Industrial Arts and Expositions——

Mr. SAUNDERS. Mr. Speaker, in that connection, may I submit an authority to the Speaker?

The SPEAKER. Authority on what?

Mr. SAUNDERS. On the ruling which the Speaker has just made. In strict conformity with the precedents if it is evident

to the Speaker that there is no quorum present then the point of no quorum, even if dilatory, must be sustained. Such is the ruling of Mr. Speaker Reed, and the situation is not affected by the fact that a roll call has developed a quorum. If a roll call has developed the presence of a quorum and the point of no quorum is made, the Speaker being satisfied that a quorum is present, is justified in holding the motion to be dilatory, and is not required to count.

The SPEAKER. It has been the rule ever since the present occupant of the Chair has been in this House, 18 years, that when a roll call has been had and a quorum is developed, if within two or three minutes or something like that, three or four minutes, some gentleman raises the point again, it has been ruled out of order.

Mr. SAUNDERS. Mr. Speaker, I do not desire to take up the time of the Speaker or the House with a matter that has been definitely settled contrary to my contention. It is perfectly true that a recent roll call has shown the presence of a quorum, and if the Speaker is now satisfied, upon an inspection of the House, that a quorum is present, he is justified in holding the point of no quorum to be dilatory. But if the Speaker, and this is Mr. Reed's ruling, even if a roll call shows a quorum, is satisfied that a quorum is not present, a different situation is presented, and the point of order is well taken.

The SPEAKER. The Chair is not satisfied——

Mr. MANN. Will the Speaker permit a word to refresh his recollection? In a former Congress, when Mr. JOHN SHARP WILLIAMS was the minority leader, there was an election case on before the House and a roll call was had. Immediately after the roll call the Members on the Democratic side disappeared, having gone out to break a quorum. During the roll call Mr. DALZELL, of Pennsylvania, was in the chair and held, the point of no quorum being made, that the House having disclosed by a roll call that a quorum was present the Chair declined to count to see whether a quorum was present, although, as a matter of fact, there was a quorum present at the time, and the Speaker will remember that as a result of that ruling the gentleman from Missouri, now the Speaker, then a Member of the minority, following the leadership of Mr. JOHN SHARP WILLIAMS, helped out a filibuster during the entire balance of the session as a protest against that ruling.

The SPEAKER. The gentleman who occupies the chair is right now and was wrong then.

Mr. SAUNDERS. Mr. Speaker, I am not without authority, and I would not have consumed the time of the Chair for a moment——

The SPEAKER. The Chair will hear the gentleman.

Mr. SAUNDERS. Except for the following ruling:

> The Chair does not feel quite certain that there is a quorum now. The fact that it is dilatory does not make any difference, if there is not a quorum present. (Hinds, sec. 5725.)

Now, the Chair has counted the House often, and looking over this House he can readily see that there is barely a quorum of the Committee of the Whole present, much less a quorum of the entire body of the House. If the Chair thinks there is a quorum present, of course the point of order should be overruled. But if it is apparent to him that a quorum is not present, then dilatory or not the point of order should be sustained.

The SPEAKER. No; the Chair holds the motion is dilatory.

Mr. CANNON. Regular order!

Mr. SISSON. Mr. Speaker, let me say a word, as I made the point of order. The Constitution requires, of course, for the transaction of all business that a quorum shall be present. Now, if it is doubtful in the mind of the Speaker whether a quorum is or is not present, under the Constitution it is the duty of the Speaker, I respectfully submit, to determine affirmatively that there is a quorum present. We are entitled under the Constitution to have a quorum present, and for that reason I demand that a quorum be present before we proceed to transact further business, and it is patent that there is no quorum present. The Chair can look over the House and count them, as I have done.

Mr. SAUNDERS. This proposition is like a call for the yeas and nays. It is a constitutional right. Even if it is made for a dilatory purpose, the call for the yeas and nays must be entertained. The Chair can rely upon a roll call recently made, and his own inspection of the House, to justify a belief that a quorum is present, and rule accordingly. But if his inspection satisfies him that a quorum is not present, the constitutional right to a quorum is presented, and the point of order is well taken.

Mr. HEFLIN. Mr. Speaker, it is clear to the Speaker, to others, and to myself that this is a filibuster. Three minutes have elapsed since it was disclosed by a roll call that a quorum was present, and I ask that the Speaker see to it that this filibuster stop now.

The SPEAKER. The Chair has not any power to squelch a filibuster.

Mr. CANNON. Regular order, Mr. Speaker.

The SPEAKER. And evidently there is not a quorum present. There are two constitutional rights that Members have—one is to have a quorum here, and the other is to have the yeas and nays if they can get sufficient Members to support the demand.

Mr. FITZGERALD. Does the Chair hold there is no quorum present?

The SPEAKER. The Speaker holds there is no quorum present.

Mr. FITZGERALD. Then I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Ellerbe	Jackson	Redfield
Ainey	Fairchild	Kitchin	Reyburn
Ames	Finley	Konig	Richardson
Andrus	Focht	Korbly	Riordan
Ansberry	Fornes	Lafean	Roberts, Nev.
Ashbrook	Fowler	Lafferty	Scully
Austin	Gardner, N. J.	Lawrence	Sharp
Ayres	George	Lever	Sherwood
Boehne	Gill	Levy	Sloan
Broussard	Gillett	Lindsay	Small
Burgess	Goldfogle	Littleton	Smith, N. Y.
Burleson	Gregg, Pa.	Lobeck	Smith, Tex.
Burnett	Griest	Longworth	Speer
Byrnes, S. C.	Gudger	McCall	Stack
Cantrill	Guernsey	McCreary	Stanley
Clark, Fla.	Hamill	McGuire, Okla.	Stedman
Claypool	Hammond	Maher	Stevens, Minn.
Cline	Hardwick	Martin, Colo.	Taylor, Ala.
Conry	Hardy	Matthews	Taylor, Ohio
Copley	Harris	Merritt	Tilson
Covington	Harrison, Miss.	Morse	Turnbull
Crago	Harrison, N. Y.	Mott	Tuttle
Cravens	Hart	Olmsted	Underwood
Curry	Hartman	Peters	Vare
Davidson	Hay	Porter	Vreeland
Davis, Minn.	Hayes	Pou	Weeks
De Forest	Heald	Pujo	Wilder
Dixon, Ind.	Higgins	Rainey	Wilson, Ill.
Doremus	Hughes, W. Va.	Randell, Tex.	Wilson, N. Y.
Driscoll, D. A.	Hull	Rauch	Wood, N. J.

The SPEAKER. On this roll call there are 261 Members who have answered to their names—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors, and the Clerk will call the committees.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. HEFLIN (when the Committee on Industrial Arts and Exhibitions was called). Mr. Speaker, I desire to call up the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, Union Calendar No. 416, and ask for its consideration.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] calls up the bill H. R. 27876, on the Union Calendar, and the House automatically resolves itself into Committee——

Mr. SISSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SISSON. I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is a quorum present, and the point of order is overruled.

Mr. HEFLIN. Mr. Speaker, pending that suggestion of going into the Committee of the Whole House on the state of the Union, I ask unanimous consent to limit debate to two hours, one hour to be controlled by me (the chairman of the committee) and one hour to be controlled by the gentleman from Mississippi [Mr. COLLIER].

Mr. MANN. Reserving the right to object, Mr. Speaker, does the gentleman mean general debate?

Mr. HEFLIN. I mean general debate.

Mr. MANN. If that should be agreed to, how much time will probably be allowed under the five-minute rule?

Mr. HEFLIN. It would be one hour to a side.

Mr. MANN. No; there are 10 sections to the bill. How much time will be allowed under the five-minute rule? There is quite a contest over certain sections of the bill.

Mr. HEFLIN. It is not a very long bill, I will say to the gentleman.

Mr. MANN. Well, it is quite a long bill, the gentleman's assertion to the contrary.

The SPEAKER. That matter would be in control of the Committee of the Whole.

Mr. MANN. Yes; but largely in the hands of the gentleman in charge of the bill.

The SPEAKER. The Chair understands that. Pending the going into the Committee of the Whole House on the state of the Union, the gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that general debate shall be limited to two hours. Is there objection?

Mr. SISSON. I object, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi objects. The House resolves itself automatically into the Committee of the Whole House on the state of the Union, with the gentleman from Kentucky [Mr. JAMES] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, with Mr. JAMES in the chair.

On assuming the chair Mr. JAMES was greeted with applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HEFLIN. Now, Mr. Chairman, I desire to give notice, or rather suggest at the outset, that we consume 30 minutes' time to be controlled by myself in support of the bill and 30 minutes to be controlled by the gentleman from Mississippi [Mr. COLLIER] in opposition to the bill, and at the expiration of that hour I shall move that the committee rise and report the bill back to the House.

Mr. CANNON. The gentleman at any time, under the rules, can move, after general debate has been had, to rise and go back into the House, if he has a majority with him and moves to limit general debate. That is the only way it can be done, as I understand it. The gentleman could, after talking five minutes, if he chooses——

Mr. FITZGERALD. Do I understand the gentleman from Alabama now to say that he proposes to do that at the end of an hour?

Mr. CANNON. As I understood the gentleman, he proposes to do that at the end of the hour, perhaps a little before that time.

Mr. HEFLIN. Unless we can agree.

Mr. CANNON. There has got to be an amicable agreement.

Mr. MANN. Mr. Chairman, I ask for order. I do not know what the conversation is that is going on over there.

The CHAIRMAN. The committee will be in order.

Mr. CANNON. As I understand it, the gentleman proposes, after he talks, to move to rise and go back into the House.

Mr. FITZGERALD. Let me suggest to the gentleman from Illinois [Mr. CANNON] that if he believes he, as a member of the minority, can gag and rule and run this House in the same arbitrary manner as he did when he was Speaker of the House, he can not do it as he imagines.

Mr. CANNON. Oh, the raw head and bloody bones! [Laughter.]

Mr. FITZGERALD. The committee can rise when it so determines, so that the House shall have ample opportunity to consider this bill fully.

Mr. HEFLIN. After the 30 minutes' time has been controlled by this side and 30 minutes by the gentleman from Mississippi [Mr. COLLIER], I shall move that the committee rise and go back to the House.

Mr. MANN. Does the gentleman think that this side of the House is entirely eliminated from the House? [Laughter.]

Mr. HEFLIN. No. Is the gentleman opposed to the bill?

Mr. MANN. I am opposed to the bill.

Mr. HEFLIN. I shall not shut out any gentleman of the minority who wishes to have time in opposition to the bill or who is in favor of it. How much time does the gentleman from Mississippi [Mr. COLLIER] desire?

Mr. COLLIER. One hour will be enough.

Mr. FOSTER. Mr. Chairman, I should like to have some time.

Mr. HEFLIN. We can not agree on one hour, I will say to the gentleman from Mississippi.

Mr. BORLAND. Regular order, Mr. Chairman.

Mr. PAGE. Mr. Chairman, I make the point of order that there can be no limitation of time for general debate in the Committee of the Whole.

The CHAIRMAN. Except by unanimous consent.

Mr. PAGE. Except by unanimous consent.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized for one hour.

Mr. HEFLIN. Mr. Chairman, gentlemen desiring to oppose the bill will have ample opportunity to do so. The Sixty-second Congress has gone upon record as favoring an exposition to be held at San Francisco. I espoused the cause of New Orleans when these two cities were asking for the privilege of holding that exposition. San Francisco was victorious on that occasion. She stated at that time, as I understand, that she would not ask for any aid from the Government. The position of New Orleans was the same, except that she stipulated in her bill an appropriation of a million or a million and a half dollars for a Government exhibit. San Francisco did not at that time ask for a Government exhibit. I never understood the friends of either place to say that they did not expect the Government to pay for its own exhibit. I favor a Government exhibit at an exposition like this, which will be in celebration of the greatest engineering feat in the history of the world. [Applause.]

Mr. BEALL of Texas. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Texas?

Mr. HEFLIN. I had rather not be interrupted at this time.

Mr. BEALL of Texas. I simply call attention to a statement made by the former chairman of the committee over which you now preside, dealing with the subject of the statement you have just made.

Mr. HEFLIN. I would like to yield to my friend from Texas, but I prefer that the gentleman do not interrupt me at this time. The gentleman who was then chairman will have a chance to speak for himself.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a suggestion?

Mr. HEFLIN. Yes; for a suggestion.

Mr. BURKE of Pennsylvania. It is perfectly manifest that all parliamentary privileges are going to be exercised against this bill. Why would it not be wise for the gentleman from Alabama, in charge of the bill, to move that the committee do now rise and go into the House for the purpose of fixing a limit on this debate? It can be done now, and I think that is the only way in which the gentleman can get this bill through this House on this Calendar Wednesday.

Mr. HEFLIN. In reply to that I desire to say to the gentleman that I think some Members need to be enlightened before we go back into the House, and I want to give both sides a chance to discuss it. I will take advantage of the opportunity at the proper time to move to go into the House to limit debate. I see some gentlemen present who would like to have the opportunity to make the point of no quorum the moment that we get back into the House. Some gentlemen are good at making points of no quorum when they have no argument of merit to make against a proposition and some are remarkably gifted for the performance of that important function in the House. [Laughter.] I never object to gentlemen making these points when they really want to transact business, but I never like to see filibustering of this kind. If gentlemen want to oppose this measure, let them do so in the open in the committee or in the House.

At the celebration to be held in San Francisco, on the shores of the mighty Pacific, in honor of the completion of the Panama Canal, I favor a Government exhibit. I favored a Government exhibit at New Orleans, and I will not now deny to San Francisco what I favored for New Orleans then. San Francisco has made great preparations, and I bid her and that western section of the Republic godspeed in that great celebration. [Applause.] The section that I represent does not want to hamper San Francisco in the least, but it wants to help her in holding this great exposition. [Applause.] The Senator, John T. Morgan, who represented my State for 30 years with distinction and great honor, is the father of the Isthmian Canal. [Applause.] He did not get this canal cut exactly where he wanted it, but for 30 years he advocated in the Senate a great Isthmian Canal, and before he died he realized in a sense his fond dream, for the Government took steps to open up that great canal, uniting the two oceans. [Applause.] The

completion of that canal will be of great benefit to the South and the whole country. [Applause.]

Mr. Chairman, the great dignity of this Government is now at stake. This Congress has gone upon record on this proposition. We have requested the President of the United States to issue invitations to foreign Governments to come and participate in the celebration of the completion of the Panama Canal.

Mr. Chairman, do Representatives here wish to see England, the mother country, come with her exhibits, costing a million or two million dollars, celebrating a great American project, and find our Government unrepresented there? Would gentlemen like to see our Government there with no exhibit demonstrating to the world our great industrial growth and development and showing to the nations of this earth our progress along all lines in the arts of peace and in war? I can not believe that gentlemen would have us invite foreign nations to come to this exposition and then not be there officially ourselves. I would not vote to give to San Francisco money as you gave it to St. Louis. When St. Louis held her exposition the Government appropriated $1,579,000 for a Government exhibit. That was in 1904. Eight years and more have elapsed. We have developed marvelously since that time and to-day we are the greatest country on earth, standing on a hill with our light shining that the nations may look upon it and be lifted up in the love of the liberty that we enjoy. [Applause.]

Five million dollars, as I recall, were given to the St. Louis Exposition—$5,000,000 besides a loan which St. Louis paid back. If these figures are correct the Government was out on account of the St. Louis Exposition six and a half million dollars. Mr. Chairman, we are now about to celebrate at San Francisco the completion of the great Panama Canal with the world as our guest.

The committee has reported a bill appropriating $2,000,000 providing for a Government exhibit. What else? Out of that appropriation must come the construction of buildings under the supervision and direction of Government officials. These buildings on the military reservation at San Francisco are to be used by the Government, and saving to the Government $72,000 a year for rent now being paid for the use of buildings there.

Mr. MANN. Will the gentleman yield?

Mr. HEFLIN. Certainly.

Mr. MANN. When the proposition was before the House as to which place we should have the exposition, did not the proposition for New Orleans carry an appropriation of $1,000,000 for a Government exhibit and a Government building, and the San Francisco proposition carry nothing? Did not the gentleman himself and other Members, in favor of San Francisco, all say that the San Francisco proposition meant no appropriation of any amount whatever?

Mr. HEFLIN. I have already stated that situation.

Mr. MANN. And the distinction between the two propositions was that New Orleans carried $1,000,000 for a Government exhibit, and San Francisco carried nothing for a Government exhibit?

Mr. HEFLIN. Mr. Chairman, the gentleman is correct, in part. San Francisco did not at that time ask for a Government exhibit. That was nearly three years ago, in the Sixty-first Congress. This is the Sixty-second Congress. Now, we are approaching the time when if there is to be a Government exhibit it is time to go to work on the grounds and get ready, and name a commission to act for the United States. Twenty-five nations have said they were coming to this Panama Exposition.

Mr. MANN. Will the gentleman yield for one more question?

Mr. HEFLIN. Yes.

Mr. MANN. Did not gentlemen speaking for San Francisco on the floor of the House at the time and did not the minority of the gentleman's Committee on Arts and Expositions, presenting minority views in favor of San Francisco, all state that there would be no money asked for in the future on behalf of San Francisco?

Mr. HEFLIN. I think that is correct. No money is now asked for San Francisco, except in the shape of a Government exhibit and buildings to belong to the Government for all time after the exposition. [Applause.]

New Orleans, as we stated, asked for an appropriation. New Orleans provided that the company should pay the salary of these commissioners. This bill provides the same, and San Francisco stands ready to carry out that part of the original program, as I understand it. There is no expense on the part of the Government. The Government is giving no money to help conduct the exposition in San Francisco. The Government is not asked to do as it did at St. Louis—making a gift of three million or four million or five million dollars—but two millions only to have a Government exhibit and have public buildings erected for the use and benefit of the Government after the exhibition is over. [Applause.]

I did not know, Mr. Chairman, that we were going to have such a hurrah over an exposition that looked toward the display of the physical evidence of the material growth and development of our great country.

Mr. Chairman, I do not believe that the Louisiana delegation will oppose this bill. They made a gallant fight for this exposition, and I stood with them in that fight, and, as I understood it then and understand it now, I would not vote to appropriate money for the use and benefit of San Francisco in carrying on the exposition except in the sense that it is really meant, namely, for only a Government exhibit; and that is what this bill has confined itself to. San Francisco pays the salary of the commissioners, and seven have been provided for, the lowest number ever provided for service at a great international exposition.

Mr. Chairman, it is high time that something were being done to let this commission get in action to communicate with the nations of the earth. Japan, I am informed, has already announced that she will use $1,000,000 in her exhibit at this exposition in America in helping to celebrate the completion of a great American engineering feat. Japan, we are told, proposes to come into the United States and give that much money, and then what? Donate the buildings to the United States when the exposition is over, showing her deep appreciation of the relations existing between the United States and Japan. [Applause.] And yet some gentlemen oppose the appropriation of $2,000,000 for us to have our own exhibit at this great exposition and construct buildings for the use of the Government.

Some of these gentlemen who think that their constituents want them to economize in this manner mistake the temper of their people. The Democratic Party is not the party to defeat projects that look to expanding our commerce and establishing more peaceful relations with the world at large. [Applause.] The Democratic Party is a constructive party and not a destructive party. [Applause on the Democratic side.] We are keeping abreast with the times. The Democratic Party in this Nation wants a proper exhibit made at that great exposition. The Democratic platform at Baltimore pledges every kindly aid to that project. [Applause.]

Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. RODENBERG].

Mr. RODENBERG. Mr. Chairman, two years ago Congress passed a joint resolution authorizing the President to invite foreign nations to participate in the Panama-Pacific International Exposition, which is to be held in San Francisco in 1915, to commemorate the completion of the Panama Canal. In accordance with the provisions of that resolution the President has extended an invitation to all foreign nations to make an exhibit of their products and resources at this exposition. Something like 25 of the nations have accepted the invitation and have signified their intention to participate. Some of the larger countries of Europe, however, among them Great Britain, Germany, Austria, Russia, and Italy, have not yet indicated their acceptance, and their failure to do so is due to the fact that the Government of the United States, up to this time, has not made any provision for its own exhibit at this exposition. They are naturally anxious to know what we intend to do ourselves before they take final action. By the very terms of the resolution we have deliberately assumed the attitude of host to the nations of the earth, and up to this time we have neglected to perform the duties that devolve upon us as a host, and if we should persist in this neglect, if we should refuse to do that which our invited guests had a right to assume that we would do, we would not be justified in complaining if those nations should ignore our invitation or if, having accepted it, they should withdraw their acceptance.

Mr. Chairman, I take it that every American citizen, regardless of his individual preference as to the location of the exposition in the first instance, now that San Francisco has been selected as the place in which this great international event is to be celebrated, is sincerely and deeply desirous of making this exposition a success in every particular.

I believe that the great majority of the people of this country believe that the honor and the prestige and the dignity of our Nation are involved in making this exposition a success, and I do not believe that the American Congress will be so unmindful of its plain duty in the premises as to humiliate our country before the Nations of the earth. Mr. Chairman, there has been some criticism of San Francisco in regard to this exposition bill. I want to say here and now that I introduced this bill not at the solicitation of the gentleman from California, but

on my own initiative, because I believed it was absolutely right. I have never believed that this exposition would or could be a success so far as foreign exhibits are concerned unless our own Nation has performed its duty and made suitable provision for its own exhibit as an evidence of good faith and its belief in the international importance of this event. I believe that the United States should have an exhibit at San Francisco; and inasmuch as this is our own exposition, commemorating a most important event in our own history, I beleive that that exhibit should be the largest and most comprehensive of any nation that participates in that exposition. We claim, and justly so, that we are the greatest and the most advanced nation on earth, and I believe in giving the people a practical illustration of the truth of that claim. The patriotic citizens of San Francisco have raised the enormous sum of approximately $20,000,000 to insure the success of this great undertaking so far as they are concerned. They have more than done their duty, and they are entitled to the thanks of the American people for this wonderful exhibition of public spirit and civic pride. [Applause.] They have not received a single dollar of financial aid from the Government of the United States in the shape of a loan or a donation, and that is something that has never occurred before in the history of international expositions in this country. Heretofore Congress has always been called upon to make a loan or a donation to assist the citizens of a municipality that has undertaken the task of conducting a successful exposition of this kind. At Chicago in 1894 Congress appropriated $5,800,000 in support of the Columbian Exposition. At St. Louis, a little over 10 years ago, Congress made a donation of $5,000,000 outright in support of the Louisiana Purchase Exposition, and later on contributed $1,600,000 for our Government exhibit there, making a total of $6,600,000. Later on they loaned the exposition company $4,600,000, which they subsequently returned to the Treasury.

Mr. BEALL of Texas. Will the gentleman yield? Is it not a fact that the city of San Francisco does not ask and does not desire this appropriation?

Mr. RODENBERG. They desire it, of course, because they want to make this exposition a success. They have not asked for it, however. I regard it as a matter of absolute right, as a matter of justice, taking into consideration the great work that they have done, that they should have this appropriation. [Applause.]

Mr. BEALL of Texas. Will the gentleman yield in order that I may read him what the gentleman himself said on this subject in the last two years?

Mr. RODENBERG. The gentleman will have plenty of time after a while to be recognized in opposition to the bill. I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. RODENBERG. Mr. Chairman, the bill under consideration carries an appropriation of $2,000,000 for a Government building and a Government exhibit at San Francisco. It will be noticed also that the Government building to be erected there is to be of a permanent nature for the future use of the War Department in San Francisco. The exposition is being held at the Presidio, which is a national military reservation, and these buildings are to be used later on by the War Department. Figures were given to me to-day showing that this Government is to-day paying $72,000 annually in the shape of rent for the use of the War Department in that city. I regard this as a very wise and sensible provision, because it is a guaranty that all of the moneys expended in the building will not be wasted, but that the buildings will be put to practical use in the future, and this enormous rental will be saved to the Government. I do not consider an appropriation of $2,000,000 as at all excessive; on the contrary, I regard it as a very modest appropriation. Why, in 1900 the French Nation had an exposition at Paris. Congress appropriated $1,472,000 for our participation in that exposition; and I remember distinctly about five years ago that I had the honor to report a bill to this House, which was considered under unanimous consent and which was passed without a dissenting vote, appropriating $1,500,000 for the international exposition which was to be held in Tokyo, Japan, but which was subsequently abandoned by the Japanese Government. If we felt justified in making appropriations of this size for expositions in foreign countries, surely we should feel justified in appropriating $2,000,000 for the greatest exposition that will ever be held upon American soil, commemorating a most important event in American history—an event which should cause the heart of every American citizen to swell with pride. [Applause.]

This bill further provides for the appointment of a commission of seven members, whose salaries are to be paid by the exposition company and whose duties are clearly set forth in the bill itself. I have always regarded it as absolutely essential for the success of this exposition that a national commission representing the authority of the Government should be created. Every exposition ever held in this country or any other country has always made provision for a commission representing the authority of the Government under whose auspices the exposition is held, and that is responsible for the fact that some of the nations that have been corresponding with the State Department, with a view of participating in this celebration, have plainly intimated that they would prefer to deal with a commission representing the dignity and the authority of the Government itself rather than with a commission representing the authority of the municipality in which the exposition is to be held.

I believe it is a very wise provision, because we know that at celebrations of this kind questions of great import, involving international comity, are apt to arise, and those questions can only be settled satisfactorily by a commission which represents the authority of the Government itself. I have heard some criticism of the size of this commission. In reply to that criticism, I want to direct the attention of the House to the fact that in the original bill introduced in behalf of San Francisco there was a provision for nine commissioners. In the bill introduced by the friends of New Orleans there was exactly the same provision that is contained in this bill, namely, a commission of seven members, whose salaries were to be paid by the exposition company. At St. Louis, in 1904, we had a commission of nine members. At Chicago, in the first instance, we had a commission composed of 114 members, and they subsequently gave way to a joint board of control consisting of 16 members. In Paris, in 1900, the commission representing our Government was composed of a commissioner general, an assistant commissioner general, and 18 commissioners.

The chairman of this committee has well said that never in the history of international expositions in this or any other country has there been provision made for a smaller commission than has been provided for in this bill. The people of San Francisco, who are interested in the success of this exposition—who are most vitally concerned—are more than willing that this commission should consist of seven members, and they are more than willing to pay the expenses of this commission because they see the benefit that will accrue to them if every section of our common country is given representation upon it. And if they, in their judgment, after expending the enormous sum of $20,000,000, are satisfied with this arrangement, I do not believe the American Congress should interpose any objection. This exposition will open its doors in February two years hence. Two years is a very short time in the life of an exposition. There is much work to be done to prepare for the reception of the nations that will participate. It is desirous to get action at the very earliest possible moment as an inducement to all foreign nations to exhibit at San Francisco, and I therefore say that, in my judgment, in justice to ourselves, in justice to our country, in justice to the people of San Francisco, who have given to the world an exhibition of liberality unparalleled in the history of municipalities, this bill ought to pass, and there ought not to be a single vote cast against it. [Applause.]

Mr. HEFLIN. Mr. Chairman, I reserve the balance of my time.

Mr. RODENBERG. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLIER] is recognized for one hour.

Mr. COLLIER. Mr. Chairman, it is with a great deal of diffidence, for several reasons, that I rise to oppose this resolution in its present form. It is not pleasant to differ with the other members of your own committee. I sincerely trust that my motives in opposing this measure will not be attacked by anyone on the ground that some two years ago I was in favor of another place for holding this exposition. There was, it is true, a fight made at that time, a fight which occupied the entire attention of the country for some time, but that fight was made in the open. I supported New Orleans, believing it was the logical point; yet the membership of this House decided that San Francisco was the proper place. And it was my pleasure—and it is one of the pleasing reminiscences of my life here in Washington—to recall that on that night I went down to the Willard Hotel and there heartily congratulated the gentlemen who had won that fight for San Francisco. Now, I feel—and I know that each and every Member of the House feels as I do—that they hope that this exposition will be the greatest one ever held on American soil. We all admire San Francisco. We can all recall what a thrill of horror, what an electric shock, went through the entire country when the news came of that dreadful earthquake and still more dreadful fire which laid that beautiful city in ashes. And it is with a feeling of American

pride with each and every one of us, whether we were for that exposition or not, that San Francisco has so asserted herself that she, phenix-like, has arisen from her ashes and is a greater and better city than ever before.

But, my friends, I am here to oppose this bill in its present form in the interests of economy and consistency. There was a great fight some two years ago over two different propositions in the bills; one of them, the New Orleans bill, contending that the Government should pay for its exhibit $1,000,000; the other contending that they would ask no money from the Federal Government. And by reason of those contending opinions, by reason of that conflict, at least principally for that reason, did San Francisco secure this exposition.

Now, my friends, for the benefit of those Members who have come in in this Congress who were not in the Sixty-first Congress, I am going to ask this House to indulge me for a moment or two while I read a few extracts from that debate. I am going first to read from that distinguished Member from Massachusetts [Mr. GARDNER], who——

Mr. MANN. Would the gentleman yield?

Mr. COLLIER. With pleasure.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] to whom the gentleman now refers was the man who had charge on the floor of the House of the San Francisco proposition, was he not? He took charge; he was chairman of the Committee on Industrial Arts and Expositions.

Mr. COLLIER. No; Mr. RODENBERG of Illinois was chairman of the committee.

Mr. MANN. No; he had been chairman.

Mr. COLLIER. I believe the gentleman from Illinois is correct.

Mr. MANN. And on the floor of the House the resolution coming from the Committee on Foreign Affairs was turned over, so far as the San Francisco proposition was concerned, to the control of the gentleman from Massachusetts [Mr. GARDNER].

Mr. COLLIER. I recollect now. The gentleman from Illinois has correctly stated it.

Now, the gentleman from Massachusetts [Mr. GARDNER]—and I know I voice the opinion of everyone in this House when I say that his opinions on this and on all subjects is always given weight by this House—said:

By the terms of the New Orleans bill, through a commission appointed by the President, the United States is charged with the duty of rendering the final decision—

And so on. But here is the point:

Some declaimers were made in the bills which inaugurated the Chicago, the St. Louis, and the Jamestown Expositions. Yet they entirely failed to eradicate from men's minds the solemn belief that mere formulas can not relieve the United States from the payment of obligations incurred in its own undertakings.

Now listen to this:

On the other hand, I shall be glad to cast my vote for the San Francisco resolution. It violates no fundamental principle; it calls for no expense on the part of the Government; its sole effect is to permit the President of the United States to act as a medium for the transmission of an invitation to foreign countries.

I am now going to read from the remarks of the then distinguished chairman of the Committee on Ways and Means, Mr. PAYNE, who said in part:

And I also favor it—

Meaning San Francisco—

because San Francisco comes here with this magnificent capital, every dollar of which seems to be available, comes here asking no aid of Congress, asking none of those insidious words of invitation going to foreign countries and coming back to us again for an appropriation because unable to pay the premiums on the goods that come here for exhibit; and I can not see the possibility of the Government of the United States ever becoming responsible for a dollar for this exposition which they propose to have there.

I am now going to read from a Democratic Member from New York who favored this appropriation, Mr. Goulden, who stated on the floor of the House, as shown by the RECORD:

The claims of New Orleans and San Francisco have been well stated in the majority and minority report (No. 1989). The former city has raised the sum of $8,000,000 and the latter $17,500,000. New Orleans feels that the Government should erect its own buildings, at a cost of about $1,000,000, while San Francisco asserts that nothing will be asked nor expected.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman yield for a few moments?

Mr. COLLIER. Yes, sir.

Mr. GARDNER of Massachusetts. It is true, is it not, that at the hearings it was reiterated in our ears again and again that San Francisco on no account would either ask or take an appropriation? The word "take" was not used, but my impression is that it was distinctly implied that they would not take any appropriation. At all events I am correct in saying that we were distinctly assured that they would not ask for any, am I not?

Mr. COLLIER. Such is absolutely my impression of what occurred.

Mr. MANN. Will the gentleman yield in that connection to permit me to read a little extract from the views of that side of the House which prevailed at that time, submitted as the minority views by G. P. Gardner, JOHN M. NELSON, George N. Southwick, HALVOR STEENERSON, MILES POINDEXTER, and Harry M. Maynard, in which these statements are made:

The people of California have thus initiated or created an exposition and have demonstrated their ability to carry it through to a successful conclusion, and to make it the greatest exposition that the world has ever seen, and without asking Congress for an appropriation of any character, or directly or impliedly committing the United States Government to any liability or responsibility.

And again—

We have an exposition already inaugurated by the people of California, with ample funds to make it a great success, asking nothing at the hands of the United States Government except the courtesy of an invitation to the people of the world to participate in the exposition.

That was the official statement upon which the House acted.

Mr. COLLIER. I am much obliged to the gentleman from Illinois for supplementing my remarks with so valuable a piece of information. I am going back now to my distinguished friend from Massachusetts [Mr. GARDNER] to show something that has been handed me, which I overlooked in the first instance. I do this, gentlemen, to show the condition that was in the minds of the Representatives in this body when the bill came up for action. The distinguished gentleman from Massachusetts [Mr. GARDNER] said:

If Congress passes the New Orleans bill now pending, it will be passed without my vote, for it violates in large part the fundamental principles which I have just stated. Moreover, it appropriates $1,000,000 for a Government exhibit. This, to my mind, is inadvisable for many reasons, although unfortunately by no means unprecedented.

Now, I am going to read from a distinguished gentleman on the other side of this Chamber from the State of Illinois, Mr. Foss, who said in part:

San Francisco comes forward and asks not one cent, but only the designation of her name as the place for this celebration. We all know that New Orleans at another time might perchance hold the center of the stage. There are special reasons why at this particular time San Francisco commands the admiration of the whole country.

And then he goes on to show the wonderful progress and advancement of that splendid city which we all cheerfully indorse.

I am now going to read from the remarks of an ex-Member of this House who now holds the responsible position of governor of the great Empire State of New York, ex-Congressman Sulzer. He stated in part:

The Government has aided financially every exposition of a national character ever held in this country. No Government aid is asked by San Francisco for this Panama Exposition. Not a dollar is sought directly or indirectly, only suitable recognition and the extension of an official invitation to all the world to come and see and to participate.

I will now read from the remarks of the gentleman from Minnesota [Mr. STEENERSON]. Here is what actuated him in voting for this proposition:

San Francisco and California have offered to give this celebration and to entertain the people of the world without cost to the Federal Government. They have raised seventeen and one-half million dollars for the purpose of satisfying the most critical that the affair will be made a great success. Under the circumstances I believe it wise to give it to them.

And now I am going to read from the remarks of the gentleman from South Carolina [Mr. FINLEY], and I am going to ask your especial attention to this reading because it is a very clear statement of the matter. In a part of his remarks he stated:

New Orleans is the greatest of the southern cities, situated where naturally almost every man in the South would be inclined to support an exposition; but they ask an appropriation of $1,000,000 from the National Government.

Mr. ESTOPINAL. Just for an exhibit.

Mr. FINLEY. I understand it was for an exhibit; yet, nevertheless, it was an appropriation out of the National Treasury, and no matter what the purpose was, the money would go out of the Treasury and would be paid by the Government for the purposes of the exhibition.

So, Mr. Speaker, when San Francisco came up and asked not one dollar of appropriation, and when her Representatives here upon this floor consistently advocate a resolution that only asks Congress to request the President of the United States to issue an invitation to the nations of the world, I could have but one choice between the two propositions. Yes, I voted for San Francisco, and for that reason—one exposition asking for an appropriation of $1,000,000 and the other not one cent.

Now, Mr. Chairman and gentlemen, it is always a very good rule to save the best for the last, and I am going now to ask your attention to some remarks of that distinguished and brilliant Member of this House, a member of the exposition committee, who lives in the State of California and represents so ably the city of San Francisco:

Mr. KAHN. Mr. Speaker, the question at issue here is whether the bill introduced by the gentleman from Louisiana [Mr. ESTOPINAL] or the resolution introduced by myself shall be considered by this House. The bill of the gentleman from Louisiana inaugurates an exposition by the Government of the United States, and it is that kind of a bill that

heretofore has always enabled a community that made a failure of its exposition to come to the Congress of the United States and ask for financial assistance. We of California do not propose at any time to come to the Congress for a single dollar of appropriation for this exposition. [Applause.] The legislature of our State on the 23d of January last unanimously passed a joint resolution pledging the honor of the people of California never to ask for a single dollar in aid of this international exposition [applause], and the people of California keep their faith. [Applause.]

Mr. DIES. Will the gentleman yield?

Mr. COLLIER. I will yield to the gentleman from Texas.

Mr. DIES. I think the gentleman has abundantly shown that it is understood by the House that there was a pledge on behalf of the city of San Francisco that no aid would be received or asked for at the hands of the Government. But does not the gentleman from Mississippi perceive that there has been a change in the relations of the parties; and the question that I wish to ask the gentleman is, Has there been a change in relation to the parties to this agreement or understanding? Are they in the same relation they were in when they had this assurance from San Francisco?

Mr. COLLIER. The gentleman means on behalf of the Representatives from California? I will let them speak for themselves.

Mr. MANN. Will the gentleman from Mississippi yield for another suggestion?

Mr. COLLIER. I will.

Mr. MANN. I want to call the gentleman's attention to page 1751 of the RECORD, where the gentleman from California [Mr. KAHN] said:

> Therefore, in framing the resolution that is about to be passed upon by this House, we decided to leave out of this resolution any proposition that would enable anybody in California, at any time, to come to the Congress of the United States and ask for a single 5-cent piece in aid of this exposition.

Mr. COLLIER. The gentleman from Illinois continues to put me under obligations for his valuable addition to my remarks.

Now, Mr. Chairman, we hear so much that this appropriation of $2,000,000 ought to be made because $5,000,000 was appropriated to the St. Louis Exposition. I do not think that has anything to do with this question, and, as far as I am concerned, had I been here at that time, I would most heartily have opposed any $5,000,000 appropriation for St. Louis or anywhere else.

I want now to come to another feature of this bill, and that is the appointment of 7 commissioners for the 46 months at $7,500 a year and their expenses, with a secretary for 46 months at $4,000 per annum, and with a $5,000 stationery allowance per annum, the expenses of the commission to be paid by the city of San Francisco.

Mr. COOPER. Will the gentleman from Mississippi yield?

Mr. COLLIER. I will yield to the gentleman for a question.

Mr. COOPER. The gentleman has been reading excerpts from speeches made in the House two years ago when the bill to select a city in which to hold this exposition was before the House, in which gentlemen said that San Francisco would not ask for financial aid from the United States Government for the purposes of the exposition. But does not the gentleman see a clear distinction between asking financial aid for the exposition and appropriating money for a purely governmental exhibit at the exposition, particularly when every gentleman then on this floor knew that the United States Government in 1904 had donated $5,000,000 as an absolute gift to the St. Louis Exposition Co. and besides had appropriated $1,600,000 for a Government exhibit there? In that case $5,000,000 from the Government Treasury was donated to the company. Now, does not the gentleman see that these facts were what was really in the minds of gentlemen when they said that no money would be asked from the Government Treasury to help the San Francisco Co.?

As I am also informed, $2,000,000 was donated in 1893, in the form of Columbian silver half dollars, to aid the Columbian Exposition Co. at Chicago, and in addition to this gift the Government made a liberal appropriation for an exhibit of its own at that exposition.

In the bill before us San Francisco asks nothing to be donated from the Government Treasury to the exposition company nor to San Francisco.

Mr. FOSTER. Mr. Chairman, if the gentleman from Mississippi [Mr. COLLIER] will excuse me, may I say to the gentleman from Wisconsin [Mr. COOPER] that New Orleans did ask for $1,000,000 for a Government exhibit in the resolution that was presented for holding the exposition in that city, and the claim was made, I think, and generally understood upon the floor of the House at the time, that San Francisco did not ask anything, and as the gentleman from California said at that time they burned their bridges behind them and came here not asking for anything for San Francisco, not even a 5-cent piece.

Mr. MANN. And $1,000,000 was all that was provided for in the New Orleans resolution?

Mr. FOSTER. And that was all that was provided for, $1,000,000, for the Government exhibit in that city. That was one of the grounds upon which Members favored the location of this exposition in San Francisco—because they did not ask for any money.

Mr. MANN. That is absolutely right.

Mr. COOPER. But the gentleman surely sees a great distinction between contributing $5,000,000, which is to be disbursed——

Mr. FOSTER. Oh, I do; but I want to say to the gentleman that the difference is this: When they asked for the location of this exposition in San Francisco they said, we do not want a dollar directly or indirectly, and they were then answering the claim made by New Orleans that that city did want $1,000,000 for a Government exhibit—not for a loan, not for putting up their own buildings, not for a dollar to go into their own treasury, but merely for a Government exhibit.

Mr. COLLIER. Mr. Chairman, I would like to ask how much of my time has been consumed?

The CHAIRMAN. The gentleman has consumed 26 minutes.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Certainly.

Mr. GARDNER of Massachusetts. I just want to read from the speech of the chairman of the committee on this point, in which Mr. RODENBERG says:

> In fact, the gentlemen who represented San Francisco at the hearings stated distinctly, emphatically, and repeatedly that they did not ask or expect the participation of the United States in their exposition. They said that they did not even want a Government exhibit, and they announced with emphasis and as a finality that at no future time would they ask Congress to pass any legislation of this kind in their behalf.

Mr. COLLIER. Mr. Chairman, I also thank the gentleman from Massachusetts for his contribution.

Mr. RODENBERG. And the gentleman should also state that the chairman of the committee at that time said that the position of San Francisco was a mistake and that the future would demonstrate that they would have to have a Government exhibit in order to make the exhibition a success and in order to have foreign nations exhibit there, and that is the practical question.

Mr. COLLIER. Mr. Chairman, coming back to the proposition of the commissioners, if the city of San Francisco wants 7 commissioners or 70 commissioners, and is willing to pay for them, I do not see that that is really much of our concern, but my information is that San Francisco or, at least, a great portion of the inhabitants of California who have paid those taxes which have been assessed against them for the purpose of carrying on this exposition are opposed to having this expense saddled upon them. Let me give you briefly what I believe this expense will be. The salary of one commissioner, at $7,500 a year for 46 months, is $28,750. The salary of the entire seven will be $201,250. The secretary gets $4,000 per annum and a stationery allowance of $5,000, making $9,000 for four years less two months, which will be $34,500, making a total of $235,750. Unless this commission is very different from other commissions that we have had, I think I am making a very liberal estimate when I say that their traveling expenses, and so forth, will amount to not less than $150,000, and I understand it is their purpose to travel a great deal, and that will make the expenses of this commission approaching $400,000.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. RAKER. If San Francisco and its citizens have contributed $10,000,000, which does not affect the $5,000,000 that have been contributed by the States, because they are conducted by separate boards, would the gentleman ask the House to defeat the bill if those who have paid their money are willing to carry out a proper exposition, so foreigners who come there may have fair treatment in exhibits, and to avoid all complications? Is that any reason to ask the Members of the House to vote down the rest of the appropriation, simply because these people are willing to pay for these commissioners?

Mr. COLLIER. I stated at the outset that——

Mr. MANN. Before the gentleman answers that question, may I ask him another, which he may answer at the same time? Has the California Exposition Co. expressed any willingness to pay these expenses out of the treasury of that company?

Mr. SHERLEY. And I would like to ask another question in this connection. Does the gentleman think they are in a position to express their true view of the matter, inasmuch as they are asking some other favors at the same time?

Mr. MANN. They ought to know whether they have expressed their view, because possibly they could not retract in 24 hours what they were trying to get in 24 months.

Mr COLLIER. California is a long ways from here, but my understanding of this matter, as far as I have been able to discover, is that there is a divided sentiment in that State upon this proposition; and my answer to the gentleman from California, if I wished to defeat the purpose of this exposition and this bill, is that I believe that seven commissioners are too many. I believe that for the purpose of examining, looking into, and superintending the Government exhibit that it does not take anything like seven commissioners. I believe three could do that work as well as seven could.

Mr. RAKER. Will the gentleman yield?

Mr. COLLIER. I do not feel justified myself in voting away other people's money when they were opposed to taxing themselves.

Mr. RAKER. Are they opposed, and is it not a fact that the House ought to know that after the legislation was passed the President did not issue the invitation because there might be a complication as to foreign exhibits, and therefore when the invitation was issued the exposition company filed a statement, and it is on record to-day in the office of the Secretary of State, that if Congress did not pay for the commission that the exposition company would pay all the money that Congress would ask to be paid for a commission to carry out these invitations.

Mr. COLLIER. I simply want to say, as I stated at the outset to this part of the question, that if San Francisco wants 7 commissioners or 17 commissioners or 700 commissioners and is willing to pay for them, why I suppose that would be their concern and they could do it; but I repeat to the gentleman that my understanding is that the people of San Francisco and California who have contributed toward this exposition do not want these commissioners.

Mr. RAKER. Is it not a fact that this written statement is on file, a national public document?

Mr. COLLIER. My attention has not been directed to it, but I assume it is, of course, as the gentleman says so.

Mr. MANN. Do they say they want to pay for it? They say they will pay for it if the Government does not pay for it.

Mr. COLLIER. If the Government does not pay for it; yes.

Mr. MANN. Will the gentleman from Mississippi refer to the fact that these commissioners under this law are to receive $7,500 a year, and the New Orleans exposition bill—how much were the commissioners under that bill to receive a year?

Mr. COLLIER. I ought to have it in my mind at the moment, but I have not.

Mr. RODENBERG. It was $7,500.

Mr. MANN. No; it was $5,000 at New Orleans. I happen to have the bill here; I do not trust my memory like my colleague does. That is the advantage I have of the gentleman.

Mr. RODENBERG. In the bill that was reported by the committee?

Mr. MANN. The bill reported by the committee, section 14 [laughter] provides:

That the commissioners appointed by the President under authority of this act shall receive as compensation for their services the sum of $5,000 each per annum and their actual and necessary expenses.

Look at it!

Mr. RODENBERG. This is the bill originally introduced by the gentleman from Louisiana [Mr. ESTOPINAL].

Mr. MANN. It is the committee amendment, reported in the House, that I refer to.

Mr. SHERLEY. I want to ask the gentleman from Mississippi [Mr. COLLIER] if he expects to discuss the proposition for the erection of permanent buildings?

Mr. COLLIER. In regard to that part of the bill which provides for a large appropriation for a permanent building, whether it was right or wrong, the wisdom of Congress for many years has been to place in the Committee on Public Buildings and Grounds the right and the power to look into and decide whether or not it is feasible and proper to erect public buildings at certain places, and I do not believe that a Committee on Industrial Arts and Expositions should usurp the functions of the Committee on Public Buildings and Grounds.

I do not see how a public building desired for the needs of an army, as I heard it was intended to be used, can be arranged suitably for that purpose and suitably for the purposes of an exposition without materially disarranging the purposes of either one or the other for which it is intended to be used. Now, my position is this: I accepted the ultimatum on that day when San Francisco carried the victory and won the exposition. I believe that a great majority of the Members of this House—a majority, anyway—agreed to give San Francisco the exposition on the terms that they asked for. I believe we should live strictly up to the proposition that was passed that day, and I am willing—and I believe that each and every Member who is opposed to the present bill in its arrangements is willing—that the proposition as extended by the people of San Francisco two years ago shall be carried out.

Now, Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has used 37 minutes.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman a few questions for information. Are there any hearings showing just the purposes that these buildings that are supposed to be permanent are to be used for subsequently?

Mr. COLLIER. We never had any hearings on that, save an informal meeting there.

Mr. SHERLEY. Does the gentleman know how much of the money is to be expended for the buildings?

Mr. COLLIER. We do not.

Mr. SHERLEY. Do you know what size they are to be or whether they are to be used exclusively for military purposes afterwards or not?

Mr. COLLIER. I will say to the gentleman that after attending the meeting of the committee and hearing the question discussed I do not know whether that building is intended to be used as a storeroom or a drill house or a mess hall.

Mr. SHERLEY. Is the gentleman aware that we have now several Government reservations in and around San Francisco? We have now before our committee estimates for large sums of money to be expended in providing certain warehouse and other facilities in connection with the military establishments at and near San Francisco. And I submit to the gentleman and the committee, with the gentleman's permission, that it may be really putting a burden and not a benefit upon the Government to provide for these buildings to be permanent in the absence of any knowledge of what we will have there.

Mr. COLLIER. I will say, in perfect fairness to the committee, that I think the bill provides that the Supervising Architect——

Mr. HEFLIN. I would like to say to my colleague on the committee that the bill provides in section 2:

SEC. 2. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected within the Presidio Military Reservation on the site set apart for that purpose, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States, the said building or buildings to be constructed from plans to be approved by the Secretary of War and said Government exhibit board.

And he might use the whole two millions if he chose under the power of this bill.

Mr. SHERLEY. If the gentleman will permit me right there, we have presented to us constantly plans by the Secretary of War for the construction of buildings for military purposes, and we do not agree always to them, because they are sometimes so extravagant that this Congress would not authorize them for an instant. Here you are giving power for buildings for military purposes—at least, that is the bait that is held out to us—when there is not a single line of testimony as to the character of the buildings or the purposes for which they are to be used.

Mr. HEFLIN. Mr. Chairman, when the bill was referred to a subcommittee this amendment was put into it:

Provided, That any one or all of the buildings hereby authorized to be erected shall be of a permanent and suitable character for the use of the Government on said military reservation.

Mr. KAHN. Will the gentleman yield?

Mr. COLLIER. I will say to the gentleman from California [Mr. KAHN] that I first promised to yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. I want to inquire of the gentleman if anywhere in this bill there is any provision for the confirmation of these appointments by the Senate of the United States or any other body?

Mr. COLLIER. I do not believe there is.

Mr. FERRIS. I will ask the gentleman as a matter of fact if the payment could not be made momentarily after this bill passes?

Mr. COLLIER. I think that it could. Now I will yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I hope a little later on to get some time in my own right in which to discuss this matter. But in regard to the matter of buildings, let me call to the attention of the gentleman from Mississippi [Mr. COLLIER], and also to the attention of the gentleman from Kentucky [Mr. SHERLEY], that the War Department has frequently sent estimates to the Committee on Appropriations asking for an appropriation to house the executive officers of the War Department at San Francisco. Those officers are now in rented quarters. In fact, the Government pays $72,000 a year for

rent of quarters in San Francisco, approximately 4 per cent on an investment of $2,000,000.

Now, the Committee on Appropriations has never reported out a bill for the erection of a headquarters building, and I apprehend that the department proposes, if this bill passes, to put up such headquarters.

Mr. SHERLEY. If the gentleman will permit, do I understand that this is a scheme whereby the department will get what Congress has heretofore refused to give it?

Mr. KAHN. Oh, I do not think that Congress has refused to give it simply because they did not see the necessity for it. It was probably due to that fact that the money at that time was not available. I do not think it was ever submitted to the House; it was smothered in committee. But I apprehend that the gentleman from Kentucky does not feel that where the Government can put up its own building to house the officers of the Government the Government ought to pay $72,000 per annum for rental?

Mr. SHERLEY. That might depend on what it would cost to build the buildings.

Mr. COLLIER. Now, Mr. Chairman, I decline to yield further to the gentleman.

Mr HELGESEN rose.

Mr. COLLIER. I will yield to the gentleman from North Dakota.

Mr. HELGESEN. Mr. Chairman, assuming that the gentleman's contention is entirely correct, and assuming that the San Francisco exposition people ought not to ask any money from the Government, in what position would that leave us? I followed carefully the gentleman's argument, and I do not think that he has even suggested that San Francisco is going to pay for a Government exhibit over there. They simply say they are not going to ask for any financial assistance. Would the gentleman go on record as being in favor of having no Government exhibit at San Francisco when all the foreign countries are going to have exhibits there? My State has appropriated $50,000 for an exhibit.

If you eliminate one-half of this for a public building that is to be permanent, that is equivalent to an appropriation of $12,000,000 by the Federal Government, and, putting it solely upon a business basis, we believe that it is good policy and good business for our State to have representation there, and I do not believe for one moment that the gentleman would contend that, with all the nations of the world represented at that exposition, if it were possible to conduct it without our taking part, it would be wise for this Nation simply as a business proposition not to be properly represented there. [Applause.]

Mr. COLLIER. I will say to the gentleman that I shall offer an amendment along that line, and I wish to say this, that I trust and hope that that exposition will prove to be the greatest exposition ever held upon American soil. I believe that every Member of this House is willing to support a reasonable bill allowing the city of San Francisco and the State of California to carry out the purpose that they intended and that they asked for in the bill two years ago.

Now, Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. ALEXANDER. Before the gentleman does that, will he yield to me a moment?

Mr. COLLIER. In one moment. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Mississippi has 14 minutes remaining.

Mr. COLLIER. Now I will yield to the gentleman from Missouri.

Mr. ALEXANDER. Does the gentleman from Mississippi think it desirable for the Government to have an exhibit at San Francisco?

Mr. COLLIER. Yes; I think the Government ought to have one.

Mr. ALEXANDER. Would the gentleman, then, want the citizens of San Francisco or of the State of California to pay for that exhibit?

Mr. COLLIER. I have read you what the gentlemen said they would do.

Mr. ALEXANDER. Assuming that what they said——

Mr. COLLIER. I am opposed, as I stated a moment ago, to the $2,000,000 appropriation asked for in this bill.

Mr. ALEXANDER. Assuming that what they said was said in good faith, does the gentleman think it would comport with the honor of this country to have the citizens of California or of San Francisco pay for that exhibit?

Mr. COLLIER. I will yield to the gentleman from Wisconsin [Mr. LENROOT] 10 minutes.

Mr. LENROOT. Mr. Chairman, I am opposed to certain sections of this bill or to provisions in those sections relating to the commission, and I desire to speak on that subject. But first I want to say just a word with reference to the proposition of an exhibit by the Government. I think it must be conceded that the representatives of San Francisco two years ago did say that they would not ask one penny from this Government, either directly or indirectly, for this exposition. But, Mr. Chairman, it is immaterial to me whether they did or not. The situation that we have before us to-day is that our Government has invited every other nation in the world to make an exhibit there, and for us to refuse to do that which we have invited other Governments to do would be a humiliation to the United States. [Applause.] And so I am in favor of an exhibit.

But, Mr. Chairman, so far as these provisions relating to a commission are concerned, I must say that these provisions come nearer to a piece of graft than anything that I have seen since I have been a Member of Congress.

It is true that it is represented that the exposition people are willing to pay this $400,000 that it is provided shall be paid to these commissioners and for their expenses. That may be true, Mr. Chairman, but if it is, every Member of this House knows that when they did agree to it it was a holdup, and that they agreed to it upon the theory that it is necessary to submit to this holdup in order to get the Government to make an exhibit at all. Either that, or else it is with the understanding and expectation that before this bill finally becomes a law, when the conference report shall finally be adopted, this $400,000 will be provided to be paid out of the Federal Treasury.

Now, I want to say to the gentleman from California [Mr. KAHN], who is a member of the committee, and who represents his city in this matter, that while he and his people may have entertained the opinion that to make this provision for commissioners may grease the wheels for the passage of this bill, if it is finally defeated this afternoon it will be because of those provisions that you have put in the bill.

Now, reference has been made to the fact that other expositions have had their commissioners; and reference has been made to the fact that the Louisiana Purchase Exposition had nine commissioners. It had. But compare the duties imposed upon the Louisiana Purchase Exposition commissioners and the duties imposed upon these commissioners. What are the duties imposed upon this commission? Read the section and see. Nothing in the world except to act as arbitrators when a dispute shall arise between foreign Governments and the exposition company. That is all they have to do.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Briefly.

Mr. MANN. Is not the gentleman slightly mistaken? Under this section they have to force the exposition company to wine and dine and provide for the entertainment, care, and comfort of the representatives of all foreign countries—quite a delightful duty to perform.

Mr. LENROOT. I was just going to make the same observation myself that the gentleman from Illinois has made for me. Compare that with the duties imposed upon the Louisiana Purchase Exposition commissioners, of whom there were nine. And, by the way, those commissioners received only $5,000 a year, while it is proposed to give these commissioners $7,500. The Louisiana Purchase Exposition commissioners, in the act which I have before me, were given many duties; among other things, to select a site, approve of the allotment of space, approve the awarding of every premium, approve the plans of every building constructed, and report upon the financial condition of that exposition from month to month. In other words, that commission had supervisory control over the St. Louis Exposition, while the duty of these commissioners will be to draw their salaries at the end of the month and their living and traveling expenses.

Mr. Chairman, no friend of San Francsico can possibly in good faith vote for this proposition. At the most, three commissioners are all that anyone could claim would be necessary; and at the proper time, if I have the opportunity, I shall offer as an amendment to this section that there shall be one commissioner, to be detailed from the State Department or War or Navy Department. I do realize, Mr. Chairman, that under some circumstances there ought to be a representative of our Government present at that exposition, whenever our Government may properly be called upon by a foreign country to intervene, and we should have a man upon the ground there, duly authorized to speak for the Government and to settle any dispute that may arise. But further than that, Mr. Chairman, we have no right to impose any expense upon the exposition or upon the Federal Treasury. So far as my vote is concerned, I

do not believe I have any more right to rob the people of California than I have to rob the Federal Treasury. I shall gladly vote for this bill if these provisions with reference to a commission are eliminated; but if they shall remain in the bill, I shall be compelled to vote against it.

The CHAIRMAN. The gentleman has used 7 minutes of the 10. The gentleman from Mississippi has 6 minutes remaining. The Chair will recognize the gentleman from Indiana [Mr. CULLOP], a member of the committee.

Mr. CULLOP. Mr. Chairman, two years ago Congress adopted a resolution for a great exposition to be held celebrating the completion of the Panama Canal. It was the universal sentiment then that that celebration should be made a great success. It was also decided that the President of the United States should invite the other nations of the earth to participate in that great celebration. I believe that it is the sentiment of the people of this country now to make that exposition a great success, the greatest success of any exposition that has been held in the history of the world. [Applause.] It is celebrating the greatest engineering feat that has ever been accomplished in the world.

Now, the position of gentlemen on the floor who are opposing this measure to-day is that they ask the other nations of the earth to participate in this celebration but are unwilling to appropriate money for this great Government to make an exhibition at that great exposition. What would be the position of such an attitude as they assume to-day? They are inviting the people of the world to come to our shores to participate in an exhibition which they are asking this country to decline to take part in at all. Is it possible that gentlemen who take that attitude upon this measure believe for a single moment that they are representing the will of the people of this country? Do they mean by their position that San Francisco is to pay for the exhibition of the National Government? Did they not believe when they passed the resolution in Congress two years ago that this exposition was to be of advantage to the people of this country? And yet, after they have started the machinery in motion, after they have invited the Governments of other countries of the world to participate in that exhibition, they say now because it would cost this, the greatest Government of them all, $2,000,000, that we ought to withhold our Nation from participating in that great exhibition. [Applause.]

I do not believe their constituents would uphold the position they now take. I believe, as I believed two years ago, that the people of this country want that exposition to be made a great success. They knew then as well as they know now that it could not be a success without the expenditure of money and without our Government participating in that exposition.

We are to be the greatest beneficiary of that exposition of all of the countries of the earth, and it is to our advantage, meeting the other nations in the arts of peace, mechanics, and industry, that we make a greater display of our genius, of our productions, than any other country that will exhibit there. [Applause.]

Already some of the greatest nations of the earth are withholding their application to make exhibition, for the purpose of seeing what this Government will do at that great exposition in the way of display of its products and its arts. Now, what is the situation? Two million dollars, a large part of which is to be expended in the erection of public buildings which this Government requires now for use in the city of San Francisco.

The objection is made here to-day that these buildings may not be of suitable purpose for the use that the Government will require. Admit that to be true. How easily and how cheaply can alterations be made so that they will meet the requirements of the Government after the exposition is over. The permanent buildings will be there and changes can be made in the interior so as to adapt them to the requirements of permanent use, and the money then expended will be conserved.

Now, Mr. Chairman, this Government ought to make a great display at San Francisco. It ought to make a greater exhibition than any other Government that participates in that exposition. We are capable of doing it; we are advertising our products to the world; we are educating not only our own people but the peoples of other Governments as to our capacity and what our people can do. We boast that we can produce better and cheaper and more diversive products than any other people on the earth. This will be an opportunity to demonstrate the truth of our declaration upon that subject. We can show to the world the progress we are making in manufactures and in arts, in education, in all employments known to the human race. [Applause.]

Now is the time when this step should be taken in order that preparation can be made in ample time for the exhibition to open and our Government to make a display of its resources. I hope this measure will be passed by a decided vote, showing that the National Congress is ready to go upon record, and willing to do so, to declare that we are a Nation of progress and a Nation making good our boast of being greater in productions than any other nation on the earth, and that we will give evidence of that fact to all the world.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. RAKER. The distinguished gentleman from Indiana has made the report here upon this bill, and I see that he has a list of foreign nations that are going to exhibit. Is it not a fact that practically all of the States in the Union are going to have separate buildings in the exposition?

Mr. CULLOP. Mr. Chairman, I am very much obliged to the gentleman from California for calling my attention to that fact. Thirty-five out of the forty-eight States in the American Union have already officially decided to make exhibitions at this exposition and the others are now taking the matter under consideration, and it is safe to predict that each of the 48 States in this Union will make exhibitions there and lend their efforts to make it a great success.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. BYRNS of Tennessee. If that be true, will not everything that is American be shown at the exposition through these 35 States?

Mr. CULLOP. Mr. Chairman, I am very glad the gentleman called my attention to that fact. Here is the greatest Nation of all the nations of the earth having what is supposed to be the greatest exposition that has ever been held in the history of the world, and I ask the gentleman would he not hang his head in humiliation if this our Government did not make a great exhibit there, a national exhibit in keeping with its standing among the nations of the earth? If the States are willing to make appropriations for an exhibit of their products, why should any Member of this body be unwilling to have this Government make a national exhibit and do what it is inviting every other nation on earth to do?

Mr. BYRNS of Tennessee. The gentleman knows that the States constitute the Government, and that each State makes an exhibit of its own resources. It seems to me that everything American will be exhibited at San Francisco.

Mr. CULLOP. Why, certainly not. Let the National Government make an exhibit there of a national character, joining its sister nations of the world, and make a greater display, as it is capable of doing, and one that will fairly reflect our great industrial and governmental character.

Mr. BYRNS of Tennessee. Mr. Chairman, I will ask the gentleman to yield further. I do not want to break up the force of his argument along that line, but I desire to ask him with reference to another portion of the bill. This bill provides for seven commissioners.

Mr. CULLOP. Yes.

Mr. BYRNS of Tennessee. The gentleman from Mississippi [Mr. COLLIER] stated that the expense of this commission, including clerical services and expenses, would amount to probably $400,000. I want to know of the gentleman why it is necessary to have seven commissioners, at $7,500 a year each, to perform junketing trips over the country and really perform no duties, because I notice this bill does not specify anything in particular that they shall do, and they are to serve for four years?

Mr. CULLOP. Let me say the experience of every national exposition that we have ever had has clearly demonstrated the fact that a number as large as seven is absolutely required. We have never had an exhibition of any great importance with a number so small. Their duties will probably be such, judging from the experience of other expositions, they will have ample work to perform. Great responsibilities devolve upon them—great questions will arise to be settled; questions of a very important character—and therefore one man or two men would not care to assume the responsibility. Not only that, but it would be better that it have that number, as the responsibilities will require it. The work would be of such a character that no one man would want to take the responsibility of performing it, and, in addition to that, the exposition company is not objecting to that number nor to the payment of their salaries, and why should we be so much concerned about that part of the bill? This objection seems to be far-fetched.

Mr. BYRNS of Tennessee. If the gentleman will pardon me, the gentleman said something about the responsibility that will rest on these gentlemen. I have read the bill carefully, and I fail to see anything really that they will have to do. The

gentleman speaks of the fact the exposition proposes to pay for them. What guaranty has the gentleman or has Congress of the fact that the exposition company will pay for them or that it is willing to pay for them?

Mr. CULLOP. Well, the fact is Congress is not liable to pay them by the terms of this measure, but the gentleman has heard doubtless the statement made by the Member from California, Mr. RAKER, that they have already filed their statement in the office of the Secretary of State that they will pay them, and by the terms of this bill they must pay them or they will not have the services of the commissioners.

Mr. BYRNS of Tennessee. Is the gentleman absolutely certain that if the House passes this bill as it is written and it finally becomes a law it will not require the United States Government to pay the salaries and expenses of these commissioners?

Mr. CULLOP. I am, sir; I believe that the law means what it says, and this says what it means upon that point. No other construction can be placed on it.

Mr. BYRNS of Tennessee. But the gentleman knows that this bill will have to go through another body and possibly through a conference committee before it becomes a law.

Mr. CULLOP. I know that, but I do not understand that is any objection to this feature. Now, I can not understand what the gentleman from Tennessee means, with a great international exposition of this kind under consideration, if he wants to stand in the way of his Government showing to the nations of the earth the great progress it has made, its skill in the arts, in mechanics, in education, and in everything that builds up the character of a nation and a great government. Let it, I say, show to the world its great advantages.

Mr. BYRNS of Tennessee. Oh, the gentleman misunderstands me. I do not oppose for one moment this Government making an exposition of its resources and all that it has done and all that it hopes to do, but I do object to a proposition made to Congress which resulted in this exposition going to San Francisco upon the express assurance of the Members of Congress and those who voted for it that if it was passed they would not expect any financial aid or that the United States Government should expend a dollar on account of it.

Mr. CULLOP. I am very much obliged to the gentleman for mentioning that proposition. This bill is not giving to the State of California or the city of San Francisco any financial aid, none whatever; and when gentlemen are injecting that proposition into this controversy they are not warranted by the facts, but, on the contrary, this Government is making an exhibition there. It is making a display; and does any gentleman upon this floor contend for a single minute that this Government shall make that exhibition out of some other person's pockets? We are showing our own exhibit, just as other States and other countries, and we should pay the expenses thereof and reap the reward.

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. JOHNSON of South Carolina. Have there been any Government officials before your committee estimating what the Government exhibit would cost and fixing it at $2,000,000?

Mr. CULLOP. The $2,000,000 was fixed in part by consultation with some members of, I think, the State Department and others, who have had much to do with Government exhibits and expositions. It was fixed upon the basis of what some of the other nations have already decided to make their exhibit cost—Japan, for instance, $1,000,000—and upon the basis of what the Government had done in other expositions in the way of expenditures for its exhibit, and it was arrived at through that means at a very conservative amount, as I contend. So the committee have fixed it at $2,000,000. Does not the gentleman want his Nation to make the best show of any nation with which it is brought in competition?

Mr. JOHNSON of South Carolina. Well, will the gentleman let me ask him another question? What is to be the nature of the Government exhibit?

Mr. CULLOP. If the gentleman will read the report he will find that it is stated there. It is to be the same nature of exhibits we have made at other expositions in which we have given a great deal more money to make the exhibit than we have proposed here.

Mr. JOHNSON of South Carolina. I will ask the gentleman this question: Does not the gentleman expect that the great corporations, firms, and individuals throughout the United States will have their exhibits at the exposition on their own account? The gentleman does not expect them to be exhibited in the Government buildings, does he?

Mr. CULLOP. I do expect this; and it was assumed that that would be the course of others, and if our Nation refuses to participate as a nation with such an exhibition in this exposition, then the citizens of this country engaged in manufacture and business would be very reluctant to go there and do what their Government was refusing to do. This would be the reasonable conclusion of such a course. We are celebrating the greatest engineering feat in the world, and we ought to make the greatest exhibition possible at the exposition. And now, what is $2,000,000 in the line of education such as this will be to us and to the nations of the earth? The benefits that will flow to our people will be an immense reward for the expenditure of such a sum as this on such an occasion as this is proposed to be. We all should rejoice that such an opportunity is afforded.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman if he knows how much the Government has expended on its exhibits at other expositions?

Mr. CULLOP. That is set out in the report, and I hope the gentleman will not require me to do so. We have expended very large amounts. We put nearly $7,000,000 in the St. Louis Exposition.

Mr. JOHNSON of South Carolina. But that was a loan, was it not?

Mr. CULLOP. No, sir. Four million and six hundred thousand dollars we loaned it, and they paid it back; but nearly $6,000,000 was appropriated by Congress for the purpose of making the exposition a success. It was well expended.

Now, Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 37 minutes remaining.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. CULLOP. Certainly.

Mr. BARTLETT. Will he tell the committee how much this proposed building is to cost, and how much the cost of the administration, and of assembling and conveying exhibits to California will be? Or does the gentleman lump the sum of $2,000,000 without regard as to what the building is to cost, or has somebody submitted estimates to him?

Mr. CULLOP. We have no estimates, but we have lodged the matter in the discretion of the officers who are to have control of the matter, and in addition to that I desire to say to the gentleman that we have followed some illustrious examples of the Appropriations Committee on that subject.

Mr. BARTLETT. The gentleman is mistaken about that. The Committee on Appropriations makes no appropriations without an estimate, and the law requires every head of a department to submit an estimate. The gentleman is mistaken in making such a statement.

Mr. CULLOP. I have said in regard to the lump sum.

Mr. BARTLETT. We have not made any lump sum for buildings in carrying out a purpose of that sort.

Mr. PRINCE rose.

The CHAIRMAN. Does the gentleman from Indiana [Mr. CULLOP] yield to the gentleman from Illinois [Mr. PRINCE]?

Mr. CULLOP. After I yield to the gentleman from Georgia [Mr. BARTLETT] a little further.

Mr. BARTLETT. I understand the committee which reported this bill had no estimates either from the head of the department or in the hearings they had upon the bill.

Mr. CULLOP. They had not in the nature of hearings, but they had conferences with some of the departments, namely, the Departments of State and War, as to what would probably be the amount required.

Mr. BARTLETT. Then, can the gentleman give the committee an estimate of what this building is to cost?

Mr. CULLOP. No; I could not exactly give that estimate. It is built upon Government ground, upon a military reservation, where a building is required, and the erection of that building will save this Government $72,000 a year, which is now being paid for rent of offices in the city of San Francisco.

Mr. BARTLETT. But the gentleman can not tell whether it would be $400,000 or $500,000 or $600,000 or $1,000,000?

Mr. CULLOP. I suppose it would cost over $400,000 and less than a million. Such a building as that would meet the requirement of the Government. Now I yield to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. As I have understood from this debate, $2,000,000 is to be appropriated out of the Treasury for the purpose of inaugurating, installing, and maintaining said Government exhibition and for said Government building or buildings? This is a military reservation?

Mr. CULLOP. Yes, sir.

Mr. PRINCE. The Presidio is located on this military reservation? Have you any estimate or any statement from the War

Department, through the Quartermaster General, in regard to the buildings on this reservation and the probable cost of those buildings and the purposes for which they are to be used if they are to be made permanent?

Mr. CULLOP. I will leave that to be answered by the gentleman from California [Mr. KAHN], who is familiar with that situation.

Mr. KAHN. Does not the gentleman think the War Department, or rather the Treasury Department, in making plans would want to know how much money it has at its disposal before it undertakes to make its plans, and does not the gentleman from Indiana [Mr. CULLOP] think that to make the plans beforehand, before they know how much money they are going to have, would practically show that they did not know their business?

Mr. CULLOP. Now, Mr. Chairman, I desire to yield 15 minutes to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized for 15 minutes.

Mr. KAHN. Mr. Chairman, I have been quoted upon this floor several times this afternoon, and I desire to state that I did say that the city of San Francisco would ask no financial aid at any time for this exposition.

Now, what is the situation here at this time? On the 10th of December, 1912, the President of the United States sent a message to Congress in which he used this language:

> In conformity with a joint resolution of Congress, an Executive proclamation was issued last February, inviting the nations of the world to participate in the Panama-Pacific International Exposition to be held at San Francisco to celebrate the construction of the Panama Canal. A sympathetic response was immediately forthcoming, and several nations have already selected the sites for their buildings. In furtherance of my invitation, a special commission visited European countries during the past summer and received assurances of hearty cooperation in the task of bringing together a universal industrial, military, and naval display on an unprecedented scale. It is evident that the exposition will be an accurate mirror of the world's activities as they appear 400 years after the date of the discovery of the Pacific Ocean.
>
> It is the duty of the United States to make the nations welcome at San Francisco and to facilitate such acquaintance between them and ourselves as will promote the expansion of commerce and familiarize the world with the new trade route through the Panama Canal. The action of the State governments and individuals assures a comprehensive exhibit of the resources of this country and of the progress of the people. This participation by States and individuals should be supplemented by an adequate showing of the varied and unique activities of the National Government. The United States can not with good grace invite foreign Governments to erect buildings and make expensive exhibits while itself refusing to participate. Nor would it be wise to forego the opportunity to join with other nations in the inspiring interchange of ideas tending to promote intercourse, friendship, and commerce. It is the duty of the Government to foster and build up commerce through the canal, just as it was the duty of the Government to construct it.
>
> I earnestly recommend the appropriation at this session of such a sum as will enable the United States to construct a suitable building, install a governmental exhibit, and otherwise participate in the Panama-Pacific International Exposition in a manner commensurate with the dignity of a nation whose guests are to be the peoples of the world. I recommend also such legislation as will facilitate the entry of material intended for exhibition and protect foreign exhibitors against infringement of patents and the unauthorized copying of patterns and designs. All aliens sent to San Francisco to construct and care for foreign buildings and exhibits should be admitted without restraint or embarrassment.

That was the message of the President of the United States to the Congress of the United States.

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield right there?

Mr. KAHN. Yes.

Mr. KNOWLAND. I want to call the gentleman's attention, as a supplement to the message of the President, to the platform of the National Democratic Party in convention at Baltimore, which declared:

> We hereby express our deep interest in the great Panama Canal Exposition to be held in San Francisco in 1915 and favor such encouragement as can be properly given.

[Applause.]

Mr. KAHN. I thank my colleague for calling the matter to the attention of the House. Speaking for myself, Mr. Chairman, and I believe I am speaking for every Member of the California delegation on this floor when I say it, we had no knowledge of that provision in the President's message until it was delivered to this House and read from the Clerk's desk.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. I have only 15 minutes, and I have a large ground to cover. If the gentleman will wait until I am through, and I have any time remaining, I shall be very glad to yield to him. I will try to yield time to the gentleman, but I want to make this statement first—I owe it to the House, I owe it to myself, and I owe it to my constituents: The recommendations contained in the President's message were referred to the various committees, I presume; but, at any rate, the gentleman from Illinois [Mr. RODENBERG], on his own initiative, introduced this bill. There was no demand from any Member of the California delegation for the introduction of a bill. It was introduced by the gentleman who led the fight against San Francisco as the location for the exposition.

I presume it was introduced by him, because he believed that this Government should be represented there. At any rate it was a most chivalrous act on his part. It has been said on this floor several times this afternoon that the people of California have raised $20,000,000 in that State for this exposition. The people of no other Commonwealth have ever done as much for themselves in such an undertaking. They feel they are called upon to represent the honor of the American people at that exposition, and they propose to make good in every particular. [Applause.] No Member of this House, no citizen of the United States will ever have occasion to blush for his country when the gates of the exposition swing open to the citizens of the world. The plan of the exposition has been completed and adopted. It is probably more comprehensive than any exposition that has ever been held, and it certainly has come to Congress with requests for legislation so trivial, so insignificant as compared with the legislation that has been asked for and given to other expositions that I am surprised that some of the gentlemen on this floor endeavor to make it appear as though San Francisco were demanding something that was outrageous and grossly exorbitant. And I assert again that this bill has not been introduced by any Member from the State of California. San Francisco proposes to entertain the world in a befitting manner. She hopes that the Government will be represented there. She hopes that the Government will make an exhibit. She hopes that all the resources of this Government will be shown at San Francisco. I believe the other nations of the world that have accepted our Government's invitation expect this Government to make an exhibit. But the Members of the California delegation on this floor have not been soliciting their colleagues and asking for assistance in this matter. They feel that whatever Congress will do in the matter will be satisfactory to them. If the Members of this House feel that San Francisco should play the host to the nations of the world, and that our own Government should not expend a dollar for a Government exhibit, the delegation from California will be content. We will have nothing to say; we will gracefully submit to the mandate of the majority of the membership of the House; but we believe, as a matter of fact, that there is enough of the spirit of fair play among the Members of this House to agree that there shall be a Government exhibit in view of the fact that the foreign Governments that are to be represented expect the United States Government to be represented. If, however, you decide that there shall be none, I assert that San Francisco will still endeavor to hold an exposition of which none of you will be ashamed.

When you think that the city of Chicago received $5,000,000 outright as a gift for her exposition, as well as additional sums for a Government exhibit; when you remember that the city of St. Louis received $5,000,000 outright as a gift, together with a loan of $4,600,000, and then on top of that had a Government exhibit at a cost of $1,579,000; when you consider that the Centennial Exposition had millions of dollars from the Government; and that the only thing that is asked of Congress in this bill is for a Government exhibit, I think the request of the gentleman from Alabama [Mr. HEFLIN], of the gentleman from Illinois [Mr. RODENBERG], and the gentleman from Indiana [Mr. CULLOP] is an exceedingly modest one. They are the sponsors for this bill, even though they were among the leading opponents of San Francisco as the exposition city.

In regard to the matter of a building in the Presidio, the latter is Government property. If this House will vote this sum I am confident that the building that will be constructed will be worthy of the Government. We are occupying rented quarters for the use of the Army all over San Francisco; there is one building that is badly needed out there, and that is a building to house the various departments of the Army.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. SHERLEY. Is it not true that they want that building at Fort Mason, because it is more central and more convenient, and does not the report show that?

Mr. KAHN. I do not know. I have not looked up the report, but I do know that for years they have been wanting a building out there to house all of the officers of the Government connected with the administration of Army affairs under one roof, and the Government has no such building there now. The officers are scattered all over the city at the present time, occupying rented offices.

In regard to the matter of a Government commission, we are exactly in the same position that I spoke of regarding the appropriation. Whatever this House does and whatever the Congress does will be satisfactory to the California delegation. We ourselves have asked you for nothing. The gentlemen who have charge of the bill have brought it in here with a favorable report after it was acted upon by the committee of the House that had jurisdiction over the subject matter.

I want to say, however, that I sent copies of the bill to the exposition officials after it had been printed, and to this day I have not had a protest from them against the provisions of the bill; I think that answers the statement of the gentleman from Mississippi [Mr. COLLIER]. I believe they have felt as the California delegation has felt, that they were willing to accept whatever the Congress would do in the matter. They will undoubtedly abide by any decision Congress may make in the premises.

It has been said that the proposed commission is too large. Personally I believe there should be seven commissioners, because I believe that the work will require a great deal of attention. No one man, in my judgment, would be able to accomplish it efficiently and satisfactorily. The suggestion for a commission came originally from a distinguished Senator who had been Secretary of State of the United States in a previous administration.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CULLOP. I yield to the gentleman three minutes more.

Mr. KAHN. That Senator, who had been Secretary of State in a former administration, insisted upon a commission for the reason that there had been complaint among the foreign exhibitors at two of the previous expositions—serious complaint—in each case upon the score that they had not been properly treated by the exposition company. He proposed that so far as he could shape the matter there would be no recurrence of such complaints. I do not know whether the scope of work of the commissioners in the other bills was defined or not; but San Francisco happens to be noted for her hospitality. No man who ever came to that city in an official capacity, representing any State or any Government, has ever gone away from there dissatisfied with his treatment.

The exposition directors have taken it upon themselves time and again to entertain at their own expense and in a befitting manner the representatives of foreign Governments and of our sister States. Such representatives as have visited San Francisco to select sites for their respective countries have been delighted with what they have seen and with what they have learned. I know that it is the disposition of the directors of this exposition company, it is the disposition of the people of San Francisco and of the State of California to make every representative of a foreign or a State government exceedingly welcome.

But past experiences have shown that even with the best intentions of all parties concerned differences have arisen between exhibitors and the company which controls the exposition. Therefore it is deemed best that the commissioners who are to deal with the representatives of foreign Governments should be appointed by the Government of the United States in order that there might be no mistake, no misunderstanding, and no complaint that can possibly be avoided. In other words, this board of commissioners acts largely in the capacity of umpires or referees. [Applause.]

In conclusion, Mr. Chairman, I assert that it is unfair to the California delegation on this floor to place us in the attitude of demanding or even asking for this legislation. Even though we have but recently learned that the failure of this Government to participate may jeopardize the participation of foreign Governments, we have refrained from canvassing among the Members of this House for votes for this bill. As I said at the outset, this measure was introduced by the former chairman of the Committee on Industrial Arts and Expositions on his own initiative, after the President of the United States had sent a message to Congress asking that provisions be made for the participation of our Government at the Panama-Pacific International Exposition. The matter rests entirely in your hands, and whatever may be the ultimate verdict of the House the California delegation will have the satisfaction of knowing that that verdict was reached without importunings or solicitations by the members of that delegation.

Mr. CULLOP. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 16 minutes.

Mr. CULLOP. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana, Gen. ESTOPINAL.

Mr. ESTOPINAL. Mr. Chairman, it is possible that if New Orleans had not asked for a million dollars appropriation for a national exhibit she would have been selected for the exposition site. It is possible that the California people did not go far enough at the time and come out squarely and ask for an appropriation for an exhibit. I do not believe, however, that this ought to be held out against them at this time.

It is not a question of San Francisco people that confronts us to-day; it is a question of a national exposition. We have agreed to hold a national exposition, we have invited foreign nations to participate, and we can not get out of it. [Applause.] It would be indeed belittling this great country to say that we are not going to exhibit at this exposition at San Francisco. [Applause.] It would be a disgrace to this country if we did not do so. I do not believe that the Congress of the United States is going to write itself down now against a proper exhibit of the great resources of this country. Therefore, I say that if there were any people to be resentful about the manner in which the exposition was secured by San Francisco, the Louisiana delegation would be the ones, but, I believe, I can speak for the whole delegation, we are perfectly willing that San Francisco should have a suitable exhibit by the National Government. What that exhibit is to cost is not a matter that we are concerned about. We believe that it should be sufficient to properly show the resources of this great country. Therefore, Mr. Chairman, I am in favor of this bill. [Applause.]

Mr. CULLOP. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. BROUSSARD. Mr. Chairman, it is well known to Members of this House that there was a serious, urgent, and ardent contest between San Francisco and New Orleans to secure the Panama Exposition in 1915. It is well known that every effort was made on the part of the contending cities to secure this exposition, and I need say nothing regarding that contest, because every Member in the House is aware of the seriousness and the earnestness of the contest that then went on. The gentleman who now presides over that committee was an ardent supporter of New Orleans. The gentleman who spoke awhile ago, the author of this bill, Mr. RODENBERG, of Illinois, was an ardent supporter of New Orleans. However the fight may have resulted, we in Louisiana feel that the question involved in this bill is not one in which either New Orleans or San Francisco are concerned, but one in which the American Republic has vital interest. I am not speaking now for myself in advocacy of this proposition, but I am speaking in behalf of the Louisiana delegation in the House and in the Senate as well, and I want to place on record the statement issued by myself a few days ago at the request and upon the vote of the Louisiana delegation in the House and in the Senate in behalf of that proposition. Here is the statement:

Unanimous consent was given by the Louisiana congressional delegation when it met to-day to the project to have the United States Government participate in the exposition at San Francisco in 1915.

The question of legislation along this line was taken up and discussed, and the Representatives and Senators from Louisiana, extending the good hand of fellowship to the California people, recorded themselves heartily in favor of the proposition.

Louisiana and California two years ago locked horns in a fierce struggle before Congress for governmental sanction for an exhibition to commemorate the opening of the Panama Canal. It was a masterful fight waged by both States. Victory, by a narrow margin, rested with the Californians.

The question of governmental participation has never been settled. President Taft has strongly recommended legislation along this line. It is fathered in the House of Representatives by W. A. RODENBERG, of Illinois, who led the fight for New Orleans. The proposition calls for a $2,000,000 Government exhibit, the building to house the Government's display to be of a permanent character for use by the Government when the exhibition closes. The measure has been unanimously reported by the House Committee on Industrial Arts and Expositions by Representative CULLOP, of Indiana, who was also a Louisiana sympathizer in the fight for the exposition site.

BROUSSARD, in discussing the action of the delegation, said: "We people of Louisiana know that it is absolutely necessary that the United States Government participate in this exposition. We waged a bully fight for the exposition location, but were worsted. California knew she had been in a scrap when we got through with her. We have no sore spots in the Louisiana character, and to-day we stand ready to aid California to the best of our ability to make her show the greatest the world has ever seen.

"The legislation asked for is necessary. The President, by congressional direction, has extended to all civilized nations an invitation to participate in the San Francisco show. Many of the nations have already signified their intention to participate by an exhibition illustrative of their resources.

"The people of Louisiana are in full sympathy with the patriotic desire to make this exposition the greatest and most successful ever held, and we, as its Representatives in the Senate and House of Representatives, to-day declared strongly for legislation at this session which will provide for a dignified and comprehensive Government exhibit."

Mr. CULLOP. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. CULLOP. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Chairman, I will reserve my time for the present.

Mr. MANN. Mr. Chairman, on December 14, 1910, the gentleman from Louisiana [Mr. ESTOPINAL] introduced into the Sixty-first Congress a bill providing for a Panama exposition at New Orleans. The gentleman from California [Mr. KAHN], I believe, introduced a bill for an exposition at San Francisco. The Committee on Industrial Arts and Expositions had quite full hearings upon these bills, or upon the New Orleans exposition bill, because the gentlemen from California declined to prosecute their bill before their committee.

Mr. KAHN. I withdrew the bill.

Mr. MANN. The gentleman could not withdraw the bill.

Mr. KAHN. I asked that the committee should not consider it.

Mr. MANN. I understand. I have stated it fairly. That bill was reported to the House from the Committee on Industrial Arts and Expositions on January 24, 1911. I have not the date when the other resolution was reported.

Mr. KAHN. My resolution?

Mr. MANN. Yes. There was also a resolution then before the Committee on Foreign Affairs, proposed, I think, by the gentleman from California [Mr. KAHN], that resolution providing only for an invitation to the San Francisco exposition. These two propositions were pending before the House, one reported from a committee that had authority over expositions in favor of the New Orleans exposition, and the other from a committee that had no jurisdiction whatever over expositions, but had jurisdiction over a proposition to invite foreign countries, the Committee on Foreign Affairs. The two propositions were before the House. The New Orleans exposition bill did not ask for any Government aid—not one cent. It did provide, however, that $1,000,000 should be authorized to be appropriated for a Government exhibit and a Government building. No further Government aid was provided in that bill.

Mr. KAHN. Mr. Chairman, I think the gentleman wants to state the facts.

Mr. MANN. I am stating the facts correctly. If the gentleman wishes to correct any facts I yield for that purpose.

Mr. KAHN. At the same time that San Francisco introduced a resolution which went to the Committee on Foreign Affairs, New Orleans introduced a resolution of similar import, which also went to that committee. Both cities had hearings before that committee, and the committee reported out both resolutions.

Mr. MANN. That has nothing to do with this proposition. I was telling what was before the House and how it got there. The New Orleans bill asked no Government aid, I say, except the $1,000,000 for a Government exhibit and Government building. It provided for commissioners at $5,000 a year, who were to be paid by the New Orleans exposition and not out of the Federal Treasury.

There was nothing provided in the way of an appropriation for the New Orleans Exposition except the $1,000,000 for an exhibit and Government buildings, and in that situation the matter came before the House for a vote under a special rule. My district is in the South Side of the city of Chicago, through which the Illinois Central Railroad runs, and is filled every summer with visitors from New Orleans, who come to spend the summer in Chicago; and every winter my constituents, many of them, spend a portion of their winter in New Orleans, because they are so closely connected. I felt disposed to vote for the New Orleans bill and had intended to do so until the question was fairly presented to this House, New Orleans asking for a million dollars for a Government exhibit and buildings and nothing else, and San Francisco swearing by all that is sacred and holy that it would never ask for a cent for any purpose from the Government, a portion of which remarks have been called attention to by the distinguished gentleman from Mississippi [Mr. COLLIER]. The report that was made to the House on the New Orleans Exposition proposition contained with it the minority views to which I have referred, and in that report the minority called particular attention to this proposition. On the one side you have frequent invitations for Government exhibitions to which the Government contributes something for its exhibition or in some other way; on the other side we give authority to somebody to invite foreign countries to the exposition, where they will bear all the expense. On the one side the Government only exercises the function of inviting. On the other side it carries also an appropriation. The question was clearly stated by the minority in their minority views on the New Orleans Exposition bill, and attention was called in opposing that New Orleans bill to the fact that the California people asked for no appropriation; that they stood on the side of what the gentleman from Massachusetts [Mr. GARDNER] called the fundamental principle; they stood on the side of no appropriation from the Government for exhibits or for any other purpose, and the New Orleans Exposition, on the other side, asking for an appropriation, not for the aid of the exposition, but for a Government exhibit. And when the matter was presented to the House in that way I changed my mind and voted for San Francisco, because I thought then and think now that where two cities almost evenly balanced, with the argument presented in favor of one proposing a large Government appropriation and the other proposing to finance the matter by their own citizens, that I did not feel justified in helping to reach my hand into the Treasury in behalf of a city that wished the Government's money. And I feel now outraged by the proposition pending before the House. [Applause.] I feel as though gentlemen had played a confidence game upon me. This is not the only proposition that comes up. Only a few days ago the President of the United States sent a message to us calling attention to the fact that a year ago we directed him, or the State Department, to issue an invitation to the nations of the world to attend a hygiene congress at Buffalo.

When that resolution was pending before the House the question was asked whether that meant an appropriation, and the gentleman from Buffalo stated that it did not. Objection was made to the consideration of the resolution on the Unanimous Consent Calendar until that matter might be fairly adjusted, and subsequently, on the same day, the gentleman from Buffalo asked to have his resolution considered, stating that he would offer an amendment providing that no appropriation should be made hereafter by the Government. In the face of that the President of the United States sent a message to us the other day, asking us to make an appropriation for Buffalo, stating that he was opposed to Congress extending invitations without making appropriations. It is to the credit of the gentleman from Buffalo that up to the present time no one here in the House has proposed that he break his faith with the House, entered into when the original resolution was passed.

Mr. BATES. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. BATES. Can the gentleman inform us whether at the time the San Francisco-New Orleans question was before the House the subject of an exhibit was discussed or taken into consideration at all?

Mr. MANN. I can answer the gentleman that it was discussed—was taken into consideration. The whole issue was whether the Government would provide an exhibit at New Orleans and pay for the Government exhibit or provide for an exposition at San Francisco and not pay anything. [Applause.] It was discussed.

Mr. BATES. Does the gentleman recollect any promise on the part of California or anyone in their behalf which assured us that the Government exhibit would be prepared and furnished at the expense of the California people?

Mr. MANN. I remember very distinctly, and if I have time I will produce the record.

Mr. BATES. I heard the debate, and I do not remember anything of that kind. I do not remember that the Government exhibit was under consideration.

Mr. MANN. The gentleman does not remember much about the debate unless he has refreshed his recollection.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. MANN. Not now. The report from the committee having indicated that the issue was simply the question between the two places, as to whether we would pay for the Government exhibit or not, Congress having taken the side against the Government exhibit, this resolution went to the Senate of the United States and was reported upon by that body.

In the report upon this resolution in the Senate, similar language to that used by the gentleman from Massachusetts here was used in the report there. The report was made by the Senator from Washington [Mr. JONES], formerly an esteemed Member of this House. It stated:

> The people of California have thus initiated or created the exposition and have demonstrated their ability to carry it through to a successful conclusion and to make it the greatest exposition that the world has ever seen, without asking the Congress for an appropriation of any character or directly or impliedly committing the United States Government to any liability or responsibility.

And it was on that report that the resolution was agreed to in the Senate.

My distinguished friend from California [Mr. KAHN], who has just recently addressed the House, is put in a most embarrassing position. On the one side is the House of Representatives, to whom he made his statement before; on the other side are his constituents, to whom he is not only under obligation, but to whom he owes the duty of representing them. He desires to keep faith with the House, and at the same time to keep faith with his constituents, and he is decidedly "between the devil and the deep sea" on that proposition.

The gentleman from Mississippi [Mr. COLLIER] and myself called attention to some of the statements made by the distinguished gentleman from California [Mr. KAHN] on the consideration of the resolution in the House. He said:

The gentleman has made some reference to the possibility of our coming back to the Congress for an appropriation. I want to assure the gentleman that the people of California studied this question very carefully when they made the moves they have made. In talking over the matter of expositions with the Members of this House I soon found that there was a decided feeling against extending Government aid to any exposition. It was said that the people were practically "exposition sick," and I was assured by scores of the Members of this House that they would never vote for any exposition measure that carried with it a single dollar of Government appropriation. I reported the sentiment of the House to the directors of our exposition company, and they decided that we had the ability to finance this exposition without governmental aid.

Then he referred to the resolution that was passed concerning the Philadelphia exposition, originally contemplating no aid, and then coming back and getting Congress to grant them aid. And the gentleman from California intimated that he thought that that was a breach of good faith.

Mr. KAHN. Will the gentleman yield for a moment?

Mr. MANN. Certainly.

Mr. KAHN. That was aid to financing the exposition. This is entirely different.

Mr. MANN. Oh, the question pending before the House at the time was between San Francisco and New Orleans, and neither one was asking for any aid for the exposition. The only question was as between a Government exhibit in the way of an appropriation and not a Government exhibit.

New Orleans was not asking any Government aid to finance the exposition, and what the gentleman said and all that the other gentlemen said on the floor of the House about an appropriation referred to the distinction between California asking for nothing and New Orleans asking for a Government exhibit. And then the gentleman went further and said:

San Francisco, realizing the latent possibility hidden in those sentences in the bill, decided that it would burn its bridges behind it and that it would never ask for a single dollar, either as a loan or as an appropriation.

Now, the gentleman says that he is not asking for an appropriation, and I am willing to admit that.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MANN. For a question.

Mr. MARTIN of South Dakota. As the result of the debate and the proceedings at that time, did the gentleman from Illinois understand that the United States Government would not be expected to make any exhibition at San Francisco, or that it would make one and the expense be defrayed by the San Francisco people?

Mr. MANN. I will make my own speech, by the way.

Mr. MARTIN of South Dakota. I take it for granted; but that is a fair question.

Mr. STEENERSON. I will say to the gentleman from Illinois that that matter was discussed in the hearings, and I have them here.

Mr. MANN. All through. That was the question.

Now, gentlemen, the RECORD of the time is full of statements, some of which have been quoted by the gentleman from Mississippi [Mr. COLLIER] and others—the RECORD is full of statements, some made by the distinguished gentleman from Alabama [Mr. HEFLIN] and some made by my distinguished colleague from Illinois [Mr. RODENBERG]—all showing that the question at issue at that time was whether we preferred an exposition where we would be called upon to make no appropriations or an exposition where we were called upon to appropriate—notice—$1,000,000 for a Government exhibit and Government buildings; and as soon as the resolution is passed gentlemen interested in it start out with a propaganda to secure, not $1,000,000, not commissioners at $5,000 a year, but $2,000,000 and commissioners at $7,500 a year for the Government exhibit.

Mr. BATES. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Yes; I will yield for a question.

Mr. BATES. Was it known or contemplated then that this was to be an international exposition, with 25 other nations participating?

Mr. MANN. Why, I will say to my distinguished friend from Pennsylvania, in the resolution then pending, upon which we voted, was a resolution directing the President of the United States to invite the nations of the world to participate in the exposition. Does not the gentleman think that constitutes an international exposition?

Mr. BATES. None of them had accepted at that time, had they? [Laughter.]

Mr. MANN. That is really the strongest argument that I have heard to-day on that side of the House. [Applause and laughter.] I compliment the gentleman upon his acumen.

Now, I yield to the gentleman from Massachusetts [Mr. GARDNER] for a moment.

Mr. GARDNER of Massachusetts. I expect that the gentleman from Illinois has already read the passage in the debate which I had intended to read. Does the gentleman wish to yield me time?

Mr. MANN. No; not yet.

Mr. GARDNER of Massachusetts. If not, I will not proceed.

Mr. MANN. Not yet.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question right here?

Mr. MANN. In just a moment.

Now, gentlemen have intimated that the question comes anew before the House, and of course the House has the power to do what it pleases at any time. I want to press home to the Members of the House the faith that was pledged to the House at the time concerning the exposition. In the views presented in behalf of the San Francisco exposition, in the only official statement that was made to the House on this subject, is found this statement; after referring to the fact that the California exposition was to carry no appropriation and that the New Orleans exposition was to have $1,000,000 for exhibit and buildings, this statement occurs:

The Congress is therefore called upon to decide between two radically different plans or designs for holding an exposition for commemorating the opening of the canal.

What were these two radically different plans or designs? I will let any gentleman in favor of the California exposition take two minutes of my time to explain what the two radically different propositions were. Why, one was an exposition where we appropriated for a Government exhibit and buildings, and the other was an exposition where we invited foreign nations and the California people were to pay the expense. This is the official statement made to the House by the gentlemen on the committee favoring San Francisco. After referring to New Orleans the statement proceeds:

We feel that but one choice can be made, and that is to recognize the generosity, the energy, and indomitable will of the people of San Francisco and the entire State of California by wishing them well in their vast undertaking and to convey their greetings to the people of the world, with a cordial invitation to journey to San Francisco and to unite with the people of our country in a general rejoicing over the completion of a new ocean highway.

At their expense. The pledge made by the gentlemen officially reporting to the House in favor of California was that it was to be done at their expense.

Now, gentlemen say, "Oh, well, in the enthusiasm of a contest, in the excitement of a conflict, gentlemen make statements that are overexuberant." That is undoubtedly true, and it may be that the Government ought in some way to provide its share in the California exposition. But that does not require this bill to be passed at all. There is no way in which $2,000,000 can be used on a Government exhibit at this exposition. And it is not the intention to use that sum of money in that way. The California Exposition Co. will provide the ordinary buildings for exhibits. That is where exhibitors exhibit. That is where the interest is. We may make an exhibit and send over some matter from the National Museum. We usually send some old cannon or something of the sort, and a few uniforms, and so on, from the Navy and War Departments. We send some exhibits from other branches, mainly, I think, as far as size is concerned, samples of essays or writings gathered up by the Commissioner of Education from the primary grades of the schools of the country, which no one ever looks at, although this exhibit makes a very good trysting place sometimes, because there is nobody there to bother you.

Mr. BATES. Has the gentleman tried it?

Mr. MANN. There is no method of using this sum of money and there is no way of constructing an exposition building that is any good as a permanent building, and there is no way of constructing a permanent building for the Army that is worth a tinker's dam for exposition purposes. [Applause.] Everybody knows that.

But what is the nigger in the woodpile? In the New Orleans bill there were seven commissioners provided. Under certain conditions they could appoint two of their number to act with two others as a board of arbitration. In case of disputes they were allowed to select a fifth arbitrator. That board of arbitration, I assume, would settle disputes between exhibitors and the exposition company. There were a great many other duties enumerated for the seven commissioners at the New Orleans exposition. Now we come to a proposition in this bill which provides for the appointment of seven commissioners at $7,500 a year, when there is nothing for them to do now, to be appointed by the President immediately, so that the appointment will not get away from President Taft. [Laughter.] There is nothing for them to do now. They are to settle disputes between exhibitors and the exposition company, and as far as exhibits are concerned there is no exhibit within a thousand miles of the exposition company now.

In addition to that they are to see that the foreign visitors are entertained, and this bill provides that all this is to be done and the salaries and expenses of the commissioners are to be paid by the California exposition. You have noticed the complacency with which our California friends have witnessed this attempt upon their pocketbooks. And yet it is an open secret all over the Capitol and the city of Washington that the reason $2,000,000 is carried in this bill is not because they need that sum of money for exhibits or for buildings, but if this bill passes this House they rely upon an amendment being made in another distinguished room in Washington which will divert one-half possibly, certainly more than one-quarter, of this $2,000,000 out of the Federal Treasury to pay the salaries and the expenses and the wining and dining of our own commissioners and the visitors whom we invite, which expenses the California people intended to pay. [Applause.]

The gentleman from Indiana [Mr. CULLOP] was asked if an estimate had been submitted in reference to the cost of these buildings. Not at all. Has any estimate been obtained as to the cost of making a Government exhibit? Not at all. We have been engaged for many years in making Government exhibits. You can telephone down here to the Smithsonian Institution or most of the other departments of the Government and get a reply by telephone telling what it will cost to make a reasonable Government exhibit. Yet the committee has declined to obtain this information, because it knew there was no way of absorbing $2,000,000 for this Government exhibit.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER of Massachusetts. Is it not true that down at the Smithsonian Institution they have a sort of traveling Government exhibit packed up which they can ship at small expense all over the United States?

Mr. MANN. I believe they are prepared to furnish an exhibit at any time, to any exposition, at very small expense. They have enough duplicate things to keep some laid away for that purpose. And there are certain other branches of the Government where certain things are practically kept on hand for exhibition. Of course, the Government exhibit requires one little expense, the chief one that I know of—for the life-saving crew—probably the most interesting and entertaining exhibit which is made by the Government.

Why, Mr. Chairman, people do not go to these expositions to see the Government exhibits. They go to see the live exhibits of the country, made by the exhibitors and manufacturers and enterprising people of the country. Some people may desire to look at some old prints, or something of that sort, of a hundred years ago, but the people who go to California or any other exposition now will want to see the electrical exhibit. We can not make one, and it is not true that the success of an exposition depends upon the success of the Government exhibit.

It is a very nice thing for the States to have State buildings. They are gathering places for the people from the States, but the exhibits in those State buildings are practically nil. The same is mainly true of the buildings constructed by foreign nations.

I do not believe, Mr. Chairman, that this House has the right in morals to put upon the California company an expense of $500,000, which it will amount to, if not more, for a commission and the entertainment provided by this bill. Nor do I believe that we have the right, remembering the pledges which were made to us and the votes which were obtained from us by the promises which were made, to appropriate such a sum of money out of the Federal Treasury for useless officers and more useless entertaining. [Applause.] I now yield 10 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I was a member of the Committee on Industrial Arts and Expositions at the time that report was made that has been referred to on the question whether San Francisco or New Orleans should be the place for this exposition. I want to say that the gentleman from Illinois [Mr. MANN] has very fairly stated the situation and the arguments that were made before the House. I can fortify that somewhat by reference to the printed hearings before the committee. The question before the committee was not only whether there was a difference between the bills, that the New Orleans bill required an appropriation of $1,000,000 and the San Francisco bill did not, but the matter was urged upon the committee that the Government did not need to have any exhibit at all, nor would they ask for any exhibit.

Representative HAYES, of California, who had charge of the speeches before the committee, made this statement, which will be found on page 100 of the hearings:

> The city of San Francisco ought to have that right. And yet, with the pluck which is characteristic of our people, they are not asking the National Government for one dollar. Our people are putting it all up, and we do not propose to ask for one dollar, notwithstanding the sneers of our friends from New Orleans, who believe that by and by we are going to come back and ask for a big appropriation. I am authorized to say that we shall not ask for one dollar from the Government of the United States, now nor in the future, and I speak for our whole delegation. The simple boon that we ask only is that the Government of the United States will give an invitation to the nations of the world to come and participate with us in celebrating a great historical event, in the city of San Francisco, in 1915.

That was reenforced by every Representative who spoke for San Francisco, and the question of a Government exhibit was directly discussed.

Mr. Scott, who represented San Francisco, was introduced by the gentleman from California [Mr. HAYES], and this is what he said:

> And what do we ask? Absolutely nothing but the courtesy of the United States, the honor of being designated the national host on this occasion. Mr. HAYES, our Congressman, has just pledged you his word that we shall ask for not one dollar, now or hereafter, and when we say that, gentlemen, we are business men and we mean business. We mean just what we say. We are not talking generalities; we are not talking about——
>
> The CHAIRMAN. Mr. Scott, you expect to have a Government exhibit there, do you not?
>
> Mr. SCOTT. I will answer that in this way: As far as any Government exhibit made by the National Government by funds out of the National Treasury is concerned, San Francisco pledges herself now not to ask for one dollar from the National Government. If we have national exhibits, those exhibits will be made by the independent States of the United States, and many of them have signified their intention of coming there, but we say now and we will say at all times, as Congressman HAYES has said before me, that we shall not ask the United States for one dollar to install an exhibit or for any other purpose, and I wish to be absolutely clear and unmistaken on that subject.
>
> Mr. LANGLEY. The National Government will pay for its own exhibit; of course, you do not expect the State of California to do that?
>
> Mr. SCOTT. I do not know what the National Government may want to do. But I do not want, by any implication or innuendo or by any misunderstanding, to be put into the position of sliding over this thing. Somebody has said, "They will come back later and say we want the Government to do so and so." If it were not for a feeling that it would be a presumption on our part, we would come to you as Congressmen and would say we would be delighted to build a Government building and to pay for the expense of installing a Government exhibit, because, gentlemen, the United States Government is sick and tired of expositions. Congress is sick and tired of appropriations for them. They have made them every year, and they are disgusted with them, and we do not want one cent now or in the future.
>
> Mr. NELSON. What do you expect, Mr. Scott, the Government will do in this matter?
>
> Mr. SCOTT. As far as their representation—we have been to the State Department. We stated that we were even willing to pay for the expense of a Government representation, a Government commission, if necessary. We have offered to put aside enough for the entertainment purposes by which that commission shall come out there and officially entertain the representatives of the world, if the State Department considered it a diplomatic necessity.

Mr. CARTER. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. CARTER. Who was the gentleman that made this speech saying that they would not ask for money even for a Government exhibit?

Mr. STEENERSON. I have read from Representative HAYES, and then the last I read from was a Mr. Scott, representing San Francisco.

Mr. CARTER. Was the California delegation present?

Mr. STEENERSON. Certainly.

Mr. CARTER. Did Mr. Scott speak for the California delegation?

Mr. STEENERSON. Yes. I continue to read from the hearings.

Now, further on is a statement made by Representative KAHN, on page 132 of the hearings:

> Now, if New Orleans were absolutely sincere in not asking for national aid she would do just as San Francisco has done, stand by her resolution of invitation, pure and simple. That accomplishes all that she now claims she is trying to accomplish. It authorizes the President of the United States to issue an invitation to foreign nations and it

makes no provision whatever for Government supervision or Government control, nor does it inaugurate through the Government any exposition, and that is the crux of this entire proposition. You all know what the sentiment of the House is with respect to appropriations for expositions.

Mr. NELSON. I do not wish to interrupt your argument, but are you going to explain what San Francisco expects Congress to do with reference to buildings for the exposition?

Mr. KAHN. Her resolution speaks for itself; and the bill which is pending before this committee speaks for itself.

The CHAIRMAN. You mean San Francisco?

Mr. NELSON. I mean San Francisco.

Mr. KAHN. Yes, I will explain her position thoroughly; I will go into that very thoroughly in a few moments.

Mr. NELSON. All right.

Mr. KAHN. Now, as Mr. Bell so ably explained the other day to this committee, New Orleans, or her exposition company, can not collect a dollar of the money that would be raised under her bond issue unless the Congress of the United States inaugurates or creates her exposition. It is expressly nominated in the bond, and she can not get a dollar without congressional recognition. Now, this matter of Government aid for expositions is a pretty old one. When the first proposition came up in the Congress of the United States for the Centennial Exposition, if you will take the time to read the debates, you will discover that Members on the floor of both Houses were fearful that it was going to cost the Government a great deal of money.

Mr. WICKLIFFE. Then you stand by what you said on the 20th of December?

Mr. KAHN. I qualified it; I said that the directors of the exposition were giving the matter thorough investigation. And they did investigate it, and they came to the conclusion absolutely that they did not want a dollar, even for a Government exhibit. They submit it now. I said they would submit it later; I submit it to this committee here and now, and state emphatically that that is their position in the matter.

Mr. CULLOP. I would like to ask you a question. Do you propose, in view of your statement, for the Government to make an exhibit at the exposition if it is held at San Francisco?

Mr. KAHN. No, sir.

The CHAIRMAN. I wish you would elaborate that.

Mr. KAHN. We will ask the various States of the Union and the municipalities of this country to exhibit. There have been Government exhibits at practically every exposition held in this country; it is not a novelty. It is nothing new. It does not add much to the success or failure of an exposition. It is frequently asked for in order to get a big sum of money to help build up an exposition and make a showing. We have $17,500,000, as much as Chicago had to put up her exposition, and we do not need the Government exhibit to make ours a success.

I read further from the hearings:

Mr. KAHN. Yes; I will explain it exactly. I said a moment ago that we will ask the States, and that we will ask the municipalities to make exhibits; we will appoint our commissioners to go to the various State legislatures and appear before the various city councils, and present our claims. We can do that without fear of being turned down, because whenever there has been an exposition in any section of this country and an appeal for a California display was made to our people, the people of California, through their legislature, have invariably appropriated large sums of money for a California display; thus we expended $300,000 at Chicago, $130,000 at St. Louis, $40,000 at Buffalo, and so on all the way down the line, even to $10,000 at New Orleans in 1885. And we feel assured that when the California commissioners go to the various States and the various municipalities their appeals will not be in vain. But we are taking the chances on that and we are willing to take them.

I will say that the gentleman from California [Mr. KAHN] was asked about a Government exhibit and whether it was not necessary to have a Government exhibit. On page 137 of the hearings before the committee he claimed that it was not necessary to have a Government exhibit. I want to make this suggestion before I conclude, as my time is limited, that there is a difference between a Government exhibit and an ordinary exhibit. As has been stated by the gentleman from Illinois [Mr. MANN], it is not necessary for the Government to have an exhibit to constitute a complete exposition, and when it is said here in argument that because we have invited the nations of the world we are in honor bound to exhibit ourselves—that is, that the United States Government is bound to exhibit—the argument does not hold true.

The resolution that we sent to the world is to the effect that the President of the United States be, and is hereby, authorized and respectfully requested by proclamation or in such manner as he may deem proper to invite all foreign countries to such proposed exposition, with the request that they, the people of those countries, participate therein. The countries are the ones that are invited through their Governments. It is not expected that the Government of every country that is invited will have an exhibit. They may not have any exhibit, and the majority probably will not. The States invited will not all have a State exhibit, because this is an industrial exposition, and it was ably explained by the gentleman from California that it was expected that these exhibits would have to be made by the different industries—by individuals engaged in industries. Therefore I submit that it is no argument whatever to claim that we have invited the nations of the world. That invitation was to the people of those nations and not to the Governments to make exhibits. The Governments were the channels through which the invitation was conveyed. The Governments of the world are not engaged in carrying on industrial activities only to a very limited extent. Neither is the Government of the United States.

The proposed exposition might be a complete success without a single foreign Government, as such, taking part or having any exhibit. That was the argument of our San Francisco friends two years ago, and it is as sound now as it was then, and they are bound by it.

There will be no embarrassment from the nonparticipation of the Federal Government in the exposition, so far as foreign nations are concerned. None of them are waiting to accept our invitation on that account.

One of them, Great Britain, probably has failed to accept the invitation on another ground, for which San Francisco is largely responsible. When the Pacific Coast States selfishly forced Congress to grant free tolls to our coastwise vessels, thereby discriminating against foreign vessels, they raised an issue with Great Britain, which as long as it remains unsettled will induce that nation to not only refuse to accept the invitation, but to boycott it altogether. San Francisco evidently believes that the American people have built this canal wholly for her benefit. She not only wants her ships to pass free, thereby depriving the Government of a revenue of a million dollars a year, but that we shall give her $2,000,000 in this bill to celebrate the event. When the United States, by taxing all the people, gives to the Pacific coast a free canal she ought not to be asked to spend $2,000,000 to celebrate the event. The celebration ought to be at the expense of those especially benefited.

Be that as it may, I hold that good faith on the part of the representatives of San Francisco now precludes them from asking for this bill. They are bound by the arguments they advanced two years ago, by which they carried the day over New Orleans. They were sound then and they are sound now. I am opposed to the bill.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Eight minutes.

Mr. MANN. Mr. Chairman, I yield three minutes of that to the gentleman from Pennsylvania [Mr. BURKE], who already has seven minutes to his credit, and after he is through I desire to be recognized for the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. BURKE of Pennsylvania. Mr. Chairman, the analysis made of this situation by the gentleman from Illinois [Mr. MANN] is one such as we would expect under the circumstances, clear and forceful as far as the facts justify; but, Mr. Chairman, we are delving down in the musty manuscripts of this House, I believe, without avail and without purpose. The issue is not what the gentleman from California [Mr. KAHN] did or what the gentleman from Massachusetts did or the gentleman from Mississippi said two years ago. The issue is, What are we going to do to-day? And I defy any man on this floor to bind me by any fugitive expression of two years ago as to what I shall do when it comes to performing my duty as a representative of the American people in this body to-day. [Applause.] Mr. Chairman, the situation is this: We have been treating this as a local and as a temporary matter. We have been trying gentlemen who happen to be members of certain committees because they made use of certain expressions instead of meeting the issue before this committee. I was one of those who originally favored New Orleans, but I came to look upon the matter in a broader way. I came to realize that this had something broader than a mere local character; that it was national in its scope and even international in its significance.

The whole original proposition was based upon the desire of the American people to celebrate the completion of the greatest engineering feat in the history of the civilized world. There was a question as to where that celebration should take place—in New Orleans or San Francisco—and there is no evidence before this committee to-day that if the million-dollar issue had not been injected into that discussion the bill would not have passed in its original form, and no one can convince me that the House of Representatives would not then have voted to hold this exposition in California in any event. Pursuant to that resolution what do we do? We invite the nations of the world to participate in an American celebration.

There are gentlemen on this floor at this hour who are probably invited out for dinner this evening in the city of Washington. What would be their notion of their host if, when they went there, they were met at the door by the butler, who notified them that they would dine alone; that the host, upon a reconsideration, had concluded that he did not have enough money to dine himself or had concluded not to lay a cover for himself for any other reason? We instructed and authorized the President of the United States to invite the nations of the world, and, pursuant to that instruction, he did his duty, with the result that 25 nations of the earth, from Cuba to Canada,

from China to Argentina, have accepted our invitation; and yet at this late and critical stage of the proceedings, when the Congress is asked whether or not we, who extended that invitation, shall be present ourselves, gentlemen say no; it is utterly preposterous that the United States should be present, because the gentleman from California at some time or the gentleman from Massachusetts at some time gave vent to some fugitive expression in the course of the former deliberations of this body.

Let me ask this question: If this exposition were to be held in the city of Toronto, just across the border, and $20,000,000 had been provided by the Canadian people for a world's exposition and 35 of the nations of the earth had agreed to participate, would the people of the United States feel justified in refraining from participating therein? But here is what took place: The people of California, in the shadow of one of the greatest disasters that ever overtook or afflicted a people, arose out of those ruins and pledged themselves to raise $20,000,000, and they made good that pledge, and they are here to-day asking nothing. The people of California are not suppliants or mendicants rapping at the doors of the United States Treasury. This proposition originated in the minds of men who do not live near the Golden Gate. The question is whether or not the people of the United States shall participate in this international exposition that is to illustrate the development of the skill and the genius of the civilized world and the progress we have made in the arts of peace and of war.

Now, would we be justified, Mr. Chairman, under any circumstances in ignoring that which is of our own creation?

Let us ask further if all of those nations, with one exception, Great Britain, which I see has made a qualified acceptance, if they all appeared and produced the things that proved the progress they have made in the arts and in the industries, in peace and in war, would it be fair and would not we become the laughing stock of the civilized world if we did not—instead of bickering over this invitation—knock at the door and demand admission to participate in that great exposition?

It is a great opportunity, and the American people, I believe, would demand, if they knew this discussion was in progress, that the American Congress should see to it that they should exercise their right to perform their duty by exhibiting the best we have produced and proving ourselves a worthy host to other nations. Otherwise, Mr. Chairman, the Congress is in the position of having humiliated the country before the nations of all the world, and when this exhibition of inventions that have marked the development of the nations of the world during the years since the last exposition was held, we will be in the position of having created it and then turning our back upon it because, perchance, there happens to be in this bill a provision that there shall be a commission appointed that might eat and drink and wear clothes. They might possibly take a glass of wine on their way to California; they might partake of the delicious products of the vineyards of the Golden Gate, and therefore because some man may eat a hearty meal, wear a decent coat upon his back we should kill this enterprise, and Uncle Sam should bow his head in humility and in shame before the people of the civilized world. I do not believe that any such history will ever be written by this Congress, but if it is, Mr. Chairman, I do not propose that my name shall be signed to any such pitiable chapter in the annals of this great Republic. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUSSELL having taken the chair as Speaker pro tempore, a message was received from the Senate announcing that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of War, under the joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory growing out of the late insurrection in Mexico, approved August 9, 1912, be transmitted to the President, who is hereby respectfully requested to cause a claim for the amount of the damages reported therein as suffered by American citizens within American territory to be presented to the Government of Mexico as a claim in behalf of the Government of the United States.

The message also announced that Mr. FOSTER, at his own request, had been excused from further service as a conferee upon the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and Mr. OVERMAN had been appointed in his place.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. GARDNER].

The CHAIRMAN. The gentleman from Illinois used five minutes.

Mr. GARDNER of Massachusetts. Mr. Chairman, it was no fugitive expression from the gentleman from Massachusetts. For years I have opposed every proposition for an exposition. As chairman of the Committee on Industrial Arts and Expositions, I made a dissenting report on the Alaska-Yukon Exposition bill for no other reason than that it contained a provision for a Government exhibit. It did not ask for a single cent except for that. When this San Francisco project was under consideration we were told in private—we were told by Mr. Scott, representing the exposition company, and others at the public hearings—that they would not ask for a Government exhibit and that they did not need a Government exhibit. We were told that very thing on the floor of this House. Mr. FINLEY, of South Carolina, and I both stated on the floor of this House—and we both voted for San Francisco—that we would not vote for any place that asked for a single dollar of expenditure for a Government exhibit. So much for the fugitive expression of opinion.

Now, those facts do not meet the main question, as the gentleman from Pennsylvania has said. They only show the bad faith of some one. Let us get to the main question. The gentleman says that we are in a trap; that we have got the elephant in the tent, and now we must feed him. Not a bit of it, gentlemen. These Californians told us before our committee they did not need a Government exhibit. Why, they have got an exhibit from most of the States in the Union, some of them, I venture to say, costing twice as much as any amount that any exhibit from any foreign country will cost. Oh, we are told that we must entertain these foreigners when they come. Why, Mr. Chairman, during the time that the debate two years ago was in progress the gentleman from Pennsylvania [Mr. BURKE] introduced an amendment providing for a commission after the vote was taken authorizing the exposition at San Francisco; I raised the point of order that he could not have an amendment pending in somebody else's time.

I said then what is equally true to-day, Mr. Chairman. I said this:

If that amendment were to be incorporated in this bill I should vote against the San Francisco exposition. It does nothing more nor less than open the door for persons to come before Congress, as they have frequently done already, and say: "By the appointment of your commission to control our affairs you assumed the responsibility for the failure or success of our exposition. If you had given us our own way we might have made it a success. Now you are morally bound to liquidate any debt that may have been incurred."

It was exactly on such a plea that over and over again this Government has been called on to pay the expenses of unsuccessful expositions.

Mr. HEFLIN. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have been compelled to be absent during the most of this debate. I heard the closing remarks of my honored colleague from Illinois [Mr. MANN]. Speaking respectfully of what I heard of his speech and what I heard of my honored colleague from Minnesota [Mr. STEENERSON] and of my friend from Massachusetts [Mr. GARDNER], it seems to me, however strong my colleague is and was, and however strong my friend from Minnesota is and was, and however strong the gentleman from Massachusetts is and was, that they are off the mark. The remarks of the gentleman from Illinois come with poor grace after that great exposition in Chicago and what she received in encouragement from the Federal Treasury. After all has been said, it is not a question of the gentleman from California [Mr. KAHN], nor is it a question of what any man said. It is not a question of what any man pledged in the heat of a great contest. By solemn enactment we have invited the nations of the world to celebrate—what? To celebrate in 1915 the completion of the canal; and, right or wrong, it is to be celebrated in San Francisco, and California has put her hand to the plow and done more than any other people have done. They pledged over $20,000,000, and the money is raised. And now, after foreign nations have accepted; now, after the people in the United States are looking toward the Golden Gate, getting ready for that great exposition after the completion of the great canal, gentlemen are haggling about the United States, after having invited everybody to go to San Francisco, and are saying that she will not participate.

There are 100,000,000 of people in the United States. Twenty-five cents apiece means $25,000,000. And yet, gentlemen protecting the Treasury haggle about giving the proper aid to make this exhibit. Great heavens! There is not a man, there is not a woman, there is not one of the 85,000,000 of the common people but would feel humiliated to see the United States refuse to make the exhibit and construct the building. [Applause.]

Now, that is the way I feel about it. I have stood for every exposition from Philadelphia on, and after we concluded to hold

them I have wanted to make them good exhibitions—Philadelphia, Chicago, New Orleans, Buffalo, St. Louis——

Mr. DYER. The best of all.

Mr. CANNON. The gentleman says the best of all. I trust, however much the watchdogs of the Treasury may seek to muddy the water, to seek to defeat this bill, as citizens of the United States and as Members of Congress representing the greatest and wealthiest people on the face of the earth, we will not now turn our backs. [Applause.]

Mr. HEFLIN. Is the gentleman from Washington [Mr. HUMPHREY] in the Hall?

The CHAIRMAN. The gentleman is not present.

Mr. HEFLIN. Mr. Chairman, the time has arrived when some action should be taken in this matter. Gentlemen of the opposition have had a long, long time in which to discuss this measure. I fear that some have taken advantage of the time that they have had in order to filibuster for one reason and another and to postpone action upon this measure. The gentleman from Massachusetts [Mr. GARDNER] opposed having an exposition at New Orleans. He opposed having an exposition at San Francisco. He is at least entirely consistent in this matter. I will say that for him. The gentleman from Illinois [Mr. MANN] felt very friendly, indeed, to New Orelans, but finally fell off the fence on the San Francisco side. He has voted as all gentlemen have, long since that contest was settled for San Francisco, to extend an invitation from this Government to the other nations of the earth to come and participate in the celebration of the completion of the Panama Canal.

At that time some gentleman from California spoke of asking for no financial aid. We have since that time extended an invitation for our Government to the Governments of the earth to come and expend their money to put up buildings on our soil and make exhibits to help us celebrate the completion of an American project; and yet some of you would see our Government with no exhibit there on that important occasion. Japan appropriating a million dollars for the purpose of aiding America in the celebration of the greatest engineering feat in the world, is it possible that these gentlemen will refuse to provide for a proper participation by our own Government? Public buildings for the use and benefit of our Government are to be erected there and paid for out of this appropriation. We are now paying rents for buildings out there, I am told, of $72,000 a year. So, Mr. Chairman, in 27 years we will have saved $2,000,000 in rents and we will still have the buildings. We shall have had a great Government exhibit, shall have entertained the great nations of the earth, and we shall have celebrated the completion of this great American project. [Applause.] Do gentlemen want to be placed in the position of opposing a proper Government exhibit at San Francisco when the Government, through Congress, has invited other nations to come and bring Government exhibits?

I want to say to my friends on this side of the House who hail, as I do, from the great South, you strove hard to get this exposition for New Orleans; you favored a proposition, every one of you, that carried a million dollars for a Government exhibit there, and I am glad that many of you believe now that if a Government exhibit was proper at New Orleans a Government exhibit is proper at San Francisco, and you have shown that you are willing to aid the great Northwest in making the celebration of the completion of the Panama Canal a great success. [Applause.] Some who voted for the New Orleans exposition voted for a bill carrying a million dollars for a Government exhibit there but, strange to say, oppose a Government exhibit at San Francisco.

Some do not want to give San Francisco a Government exhibit, because it is claimed that some gentleman from California said that he did not ask for financial aid. Other expositions have been held, and after they were over some of those interested have come back and asked for financial aid, and it was given to them. The representatives of the San Francisco exposition have said that San Francisco will not ask for financial aid, and I would oppose giving it if they did, and we have provided in this bill that she shall pay for seven commissioners, just as the New Orleans bill provided, and she stands ready to carry out that contract. This appropriation is only for a Government exhibit and for public buildings for the use and benefit of the Government of the United States. Mr. Chairman, since we have authorized the exposition and invited foreign nations to come and make exhibits there we ought to have an exhibit in keeping with the proprieties of the occasion and the honor and dignity of our country. I want to see every State in the Union represented there.

Let them bring an exhibit of the products of the soil, mines, and factories, and so forth. I want the South to have the greatest cotton exhibit there that the world has ever seen. [Applause.] I want the foreign countries to see what we produce from the soil of the South and I want them to know something of the multiplied uses to which cotton is put and the myriad blessings that come from the lavish use of it as wearing apparel and other purposes. I believe that that exposition will redound to our everlasting benefit by bringing about happier relations with foreign countries, help us commercially with the nations of the earth, and aid us to promote peace the world over. [Loud applause.]

Now, Mr. Chairman, I want to say that considerable time has been consumed in discussing this measure. Both sides have been heard, and in order that we may take the bill up for amendments under the five-minute rule it is necessary to close general debate. I therefore move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama [Mr. HEFLIN], that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JAMES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, and had come to no resolution thereon.

Mr. COLLIER and Mr. HEFLIN rose.

Mr. SISSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] moves that the House do now adjourn.

Mr. HEFLIN. Mr. Speaker, I hope the gentleman will withdraw that motion.

The SPEAKER. The question is on agreeing to the motion to adjourn.

Mr. KAHN. Pending that, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Pending that, there is a motion to adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HEFLIN. A division, Mr. Speaker.

The House divided; and there were—ayes 74, noes 66.

Mr. HEFLIN. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed Mr. HEFLIN and Mr. SISSON.

The House again divided; and the tellers reported—ayes 79, noes 67.

Mr. CULLOP. The yeas and nays, Mr. Speaker.

The question being taken on ordering the yeas and nays, the Speaker, after counting, announced 23 ayes.

Mr. CULLOP. The other side.

The SPEAKER. The gentleman from Indiana demands the other side. [After counting.] Ninety-seven in the negative. On the demand for the yeas and nays the ayes are 23, the noes are 97—not a sufficient number seconding the demand—and the yeas and nays are refused.

Mr. KAHN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KAHN. I ask unanimous consent that I may revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant;

H. R. 12813. To refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911;

H. R. 25741. Amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909;

H. R. 26549. To provide for the construction or purchase of motor boat for customs service;

H. R. 15181. For the relief of Harry S. Wade;

H. R. 24365. Providing for taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 20385. To reimburse Charles S. Jackson;

H. R. 2359. To refund certain tonnage taxes and light dues;

H. R. 27157. Granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois; and

H. R. 23351. To amend an act entitled "An act to provide for an enlarged homestead."

ADJOURNMENT.

The SPEAKER. On the motion to adjourn, the ayes are 79, the noes are 66. The ayes have it.

Accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until Thursday, February 6, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from Col. Spencer Cosby, executive and disbursing officer, Lincoln Memorial Commission, submitting estimate of appropriation for commencing work for the erection of the Lincoln memorial (H. Doc. No. 1344), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PALMER, from the Committee on Ways and Means, to which was referred the bill (H. R. 25283) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation, reported the same without amendment, accompanied by a report (No. 1445), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 28191) authorizing the extension of payments on certain town lots in the Kiowa, Comanche, and Apache ceded lands in Oklahoma, reported the same with amendment, accompanied by a report (No. 1444), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DYER, from the Committee on Industrial Arts and Expositions, to which was referred the resolution (H. Res. 799) providing for the appointment of a committee of the House of Representatives to attend and represent the House at the dedication and unveiling of a memorial statue to Thomas Jefferson at St. Louis, Mo., April 30, 1913, in commemoration of the acquisition of the Louisiana Territory, reported the same without amendment, accompanied by a report (No. 1442), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal., reported the same with amendment, accompanied by a report (No. 1443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WOODS of Iowa: A bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; to the Committee on the Judiciary.

By Mr. SLAYDEN: A bill (H. R. 28641) to provide for a tax on high explosives, and for other purposes; to the Committee on Ways and Means.

By Mr. COVINGTON: A bill (H. R. 28642) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: A bill (H. R. 28643) to incorporate the Mothers' Day International Association; to the Committee on the Judiciary.

By Mr. HAYDEN: Resolution (H. Res. 811) referring the bill (H. R. 27001) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. DENVER: Resolution (H. Res. 812) authorizing the Clerk of the House, during the remainder of the present session, to employ such additional clerical help as may be needed in the enrolling room, to be paid out of the contingent fund; to the Committee on Accounts.

By Mr. KINDRED: Resolution (H. Res. 813) requesting the Secretary of State to furnish information relative to alleged atrocities in the rubber fields of Peru; to the Committee on Foreign Affairs.

By Mr. CLAYTON: Resolution (H. Res. 814) relative to consideration of House bill providing for compensation of clerks of United States district courts; to the Committee on Rules.

By Mr. CALDER: Joint resolution (H. J. Res. 393) authorizing and directing the President of the United States to issue medals to the survivors of the Battle of Gettysburg; to the Committee on Military Affairs.

By Mr. HAWLEY: Memorial from the Legislature of the State of Oregon, favoring House bill 14053, increasing the pensions of Indian war veterans from $8 to $30 per month; to the Committee on Pensions.

Also, a memorial from the Legislature of the State of Oregon, favoring the enactment of Senate bill 6109 of the Sixty-second Congress; to the Committee on Agriculture.

Also, a memorial from the Legislature of the State of Oregon, favoring the enactment of a Federal law for the protection of migratory birds; to the Committee on Agriculture.

Also, a memorial from the Legislature of the State of Oregon, making application to Congress under provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 28636) granting a pension to Elizabeth Maurer; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 28637) for the relief of the estate of Ann S. Jackson; to the Committee on War Claims.

By Mr. RAINEY: A bill (H. R. 28638) granting a pension to Sarah M. Sullens; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 28639) granting an increase of pension to Mary T. Frank; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 28640) for the relief of Frank Hodges; to the Committee on Claims.

By Mr. ANDRUS: A bill (H. R. 28644) for the relief of the estate of William Wheeler Hubbell; to the Committee on Claims.

By Mr. McKELLAR: A bill (H. R. 28645) for the relief of the deacons of the Missionary Baptist Church, of Toone, Tenn.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of the faculty and students of the William Jewell College, Liberty, Mo., favoring the passage of legislation providing sufficient funds for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. ASHBROOK: Petition of Nashville Grange, No. 1851, Lakeville, Ohio, protesting against the passage of House bill 20196, for removal of the tax on colored oleomargarine; to the Committee on Agriculture.

By Mr. BARTHOLDT: Petitions of W. A. Ferrell, of Webster Grove; J. C. Strauss, E. W. La Beaume, A. Hilton, R. E. McLaughlin, the Central Gun Club, J. T. H. Gunner, Herbert L. Gardner, Claude Kilpatrick, the Cuiove Island Club, W. E. Walker, Theodore G. Roeham, and 8 other citizens of St. Louis, all in the State of Missouri, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Campbell Glass & Paint Co., St. Louis, Mo., protesting against the passage of House bill 27492, relative to the branding of imitation articles or goods for sale; to the Committee on Interstate and Foreign Commerce.

Also, petition of Thineas Towne, St. Louis, Mo., favoring the passage of legislation granting pensions to the veterans of the various Indian wars; to the Committee on Pensions.

Also, petition of the Central Trades and Labor Union, St. Louis, Mo., praying for the passage of legislation for the investigation of the Philadelphia dynamite case; to the Committee on the Judiciary.

Also, petition of Henry A. Everett, Cleveland, Ohio, favoring the passage of House bill 26939, providing for the erection of a

pearl station at the Panama Canal; to the Committee on the Library.

Also, petition of Commander C. J. Jones, of St. Louis Camp of the National Indian War Veterans, of St. Louis, Mo., favoring the passage of legislation granting pensions to veterans of the various Indian wars; to the Committee on Pensions.

Also, petition of the Henry Heil Chemical Co., St. Louis, Mo., favoring the passage of legislation for removing the tariff on earthenware and clay crucibles; to the Committee on Ways and Means.

Also, petition of the Missouri Game and Fish League, St. Louis, Mo., favoring the passage of the Weeks bill (H. R. 36) for granting Federal protection to migratory birds; to the Committee on Agriculture.

Also, petition of J. F. Imbs, St. Louis, Mo., relative to the prejudiced effect of the present tariff on the milling industry; to the Committee on Ways and Means.

Also, petition of the Eddy & Eddy Manufacturing Co. and the Roth-Homeyer Coffee Co., St. Louis, Mo., protesting against the passage of legislation for a reduction of duty on spices; to the Committee on Ways and Means.

Also, petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Steamboat Managers' Association, St. Louis, Mo., favoring the passage of bills (H. R. 19405, 19406, 19407) providing for an increase of salary to the members of the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association of Master Plumbers, the Moore-Jones Metal & Brass Co., the Wesco Supply Co., the Reinhard Grocer Co., the Bascom Wire & Paper Co., and the Lungstras Dyeing & Cleaning Co., of St. Louis, Mo., and H. T. Abernathy, Kansas City, Mo., favoring the passage of House bill 27567, for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Farley Harvey Dry Goods Co., Boston, Mass.; Rev. T. N. Pelonbet, A. L. Goodrich, Horace Dutton, and Rev. William C. Gordon, Auburndale, Mass.; Olin F. Herrick, Boston, Mass.; and Arthur W. Kelly, Auburndale, Mass., all favoring the passage of House joint resolution 100—the anti-conquest resolution; to the Committee on Foreign Affairs.

By Mr. BATES: Petition of the Board of Trade of Erie, Pa., and School No. 17 of the school district of Erie, Pa., both favoring the passage of the McLean bill granting Federal protection to migratory birds; to the Committee on Agriculture.

Also, petition of L. E. White, A. W. McClintock, and James L. Swickard, Meadville, Pa., favoring the passage of the amended Kenyon bill for preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. DWIGHT: Petition of 3 citizens of Cortland, N. Y., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. DYER: Petition of the American Federation of Labor, Washington, D. C., favoring the passage of the Federal workingmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Missouri House of Representatives, in favor of the passage of legislation for Federal aid in the building of roads; to the Committee on the Post Office and Post Roads.

Also, petition of the International Reform Bureau (Inc.), favoring the passage of an amended bill to close the Panama-Pacific International Exposition on Sunday; to the Committee on Appropriations.

By Mr. FULLER: Petition of 33 citizens of Rockford, Ill., favoring the passage of the Webb-Sheppard bill (H. R. 17593) preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. HAYES: Petition of M. S. Wildman, Stanford University, Cal., favoring the passage of the Crawford-Sulzer bill providing for the calling of an international conference on the high cost of living; to the Committee on Foreign Affairs.

Also, petition of J. P. Pryor, Pacific Grove, Cal., favoring the passage of House bill 1309, for the establishment of a council of national defense; to the Committee on Naval Affairs.

Also, petition of the General Federation of Women's Clubs, protesting against the passage of any legislation tending to destroy the present system of national forest preservation; to the Committee on Agriculture.

Also, petition of David A. Curry, John S. Washburn, William Sells, jr., Palo Alto, Cal., favoring the passage of legislation granting 10-year concessions for camp sites in the Yosemite Valley; to the Committee on the Public Lands.

Also, petition of the Associated Societies of California, Berkeley, Cal., favoring the passage of the McLean bill granting Federal protection to migratory birds; to the Committee on Agriculture.

By Mr. McKELLAR: Papers to accompany bill for the relief of the deacons of the Missionary Baptist Church, of Toone, Tenn.; to the Committee on War Claims.

By Mr. KINDRED: Petition of openers and packers of the United States appraiser's stores, port of New York, favoring the passage of legislation for the increase of salary for the openers and packers of the United States, port of New York; to the Committee on Appropriations.

Also, petition of the Allied Printing Trades Council of Greater New York, protesting against the adoption of the amendment of the Bourne parcel-post bill, making it optional whether user shall send by mail 2 cents per pound or by freight 1 cent; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of James S. Monroe & Co., Boston, Mass., and the Pratt Institute, Brooklyn, N. Y., favoring the passage of Senate bill 3, for granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the California Club, San Francisco, Cal., favoring the passage of legislation making sufficient appropriation for the suppression of the white-slave traffic; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Petition of the West Branch of the Young Men's Christian Association of Pennsylvania, favoring the passage of the Kenyon red-light injunction bill, to clean up Washington for inauguration; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of House bill 1309, for the establishment of a council of national defense; to the Committee on Naval Affairs.

By Mr. PRINCE: Petition of Rev. W. H. Wetter and others, of Farmington, Ill., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Ernest T. Seton, Greenwich, Conn., favoring the passage of the McLean bill, for granting Federal protection to migratory birds; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: Petition of J. W. Hutchins and others, of Malden, Mass., favoring the passage of the Kenyon-Sheppard liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of J. W. Hutchens and others, favoring the passage of the Kenyon red-light injunction bill, to clean up Washington for the inauguration; to the Committee on the District of Columbia.

SENATE.

THURSDAY, *February 6, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. PAYNTER. Mr. President, yesterday I made an announcement that I would address the Senate at the close of the routine morning business to-day on Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases; but the Senator from Ohio [Mr. BURTON] did not complete his speech yesterday, so I give notice that I will address the Senate to-morrow at that time, and will give way to the Senator from Ohio to finish his remarks to-day.

SENATOR FROM IDAHO.

Mr. BORAH. Mr. President, I present the credentials of JAMES H. BRADY, chosen by the Legislature of the State of Idaho a Senator from that State, and ask that they be read.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of JAMES H. BRADY, chosen by the Legislature of the State of Idaho a Senator from that State for the remaining portion of the term of Hon. WELDON B. HEYBURN, deceased, ending March 4, 1915, were read and ordered to be filed.

Mr. BORAH. The Senator elect is in the Chamber and ready to take the oath of office.